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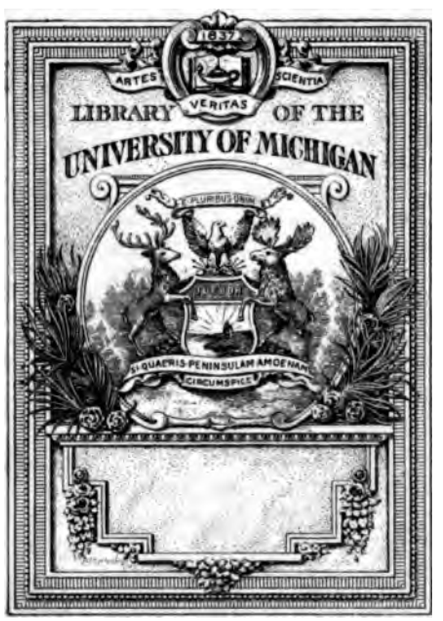
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THE DUTTONS OF DUTTON

Front view of the portion remaining of Dutton hall in Cheshire, showing the exterior of the old hall and porch as added by sir Piers Dutton, knight, and dame Julian, his wife, in the years 1539-42.

MEMORIALS OF THE DUTTONS

OF

DUTTON IN CHESHIRE

WITH NOTES RESPECTING

THE SHERBORNE BRANCH OF THE FAMILY

'GOD BLESS THE KING AND THE HEIR OF DUTTON'

Acclamation anciently concluding the service in St. John the Baptist's, Chester, at the annual licensing of the Cheshire Minstrels by the lord of Dutton

LONDON
HENRY SOTHERAN & CO., 140, STRAND, W.C., AND 37, PICCADILLY, W.
CHESTER
MINSHULL & MEESON, EASTGATE ROW
1901

TO THE RIGHT HONOURABLE

THE LADY SHERBORNE.

BARONESS OF SHERBORNE,

THESE MEMORIALS ARE

DEDICATED

INTRODUCTION

THE records of the Dutton family, so far as they relate to the Sherborne branch, founded by Thomas Dutton, esquire (1507-1581), who purchased the manor of Sherborne, in Gloucestershire, in the year 1551, have already been privately printed, with an introduction by the present Lord Sherborne, as the representative of that branch of the family from the Duttons of Dutton, in Cheshire. There remained after the printing of those records, a collection of letters written by sir Piers Dutton, of Dutton (d. 1545); also a long series of inquisitions extending from 1298 to 1639, relating to the Duttons of Dutton and Hatton. The former are now printed in their entirety; and of the latter abstracts are given, together with other Dutton records derived from the heralds' college, probate registries, and public libraries, which are now for the first time collected and printed.

There is much of general historical interest in the family history of the Duttons. They have an undoubted descent from one of the followers of William the Conqueror, who was established at Dutton, then Duntune, in Cheshire, at the time of the Domesday survey: where his descendants remained, and were involved in the contests and convulsions of their time (one was a Crusader, another sided with Hotspur, two were at Agincourt, another with his son and brother fell fighting on opposite sides, in the Wars of the Roses, while others were active at the dissolution of monasteries) until the extinction of the direct male line in the seventeenth century. Their genealogy, as compiled by sir Peter Leycester, is recorded at length in Ormerod's 'Cheshire' (Helsby's edition, i. 642-654), in which he carefully traces their descent from their Norman progenitor in an authentic manner. The earlier genealogy, indeed the whole of it, being little more than names and dates, is of itself of little interest to the general reader, except for reference and the satisfaction of knowing that its statements are in general correct, as Leycester's work will always be esteemed for its accuracy. It is therefore unnecessary to repeat it here, though much of it is embodied in a chronological table of incidents relating to the family which is given in this work.

The first knight of the family was sir Thomas de Dutton. He was living in the year 1249, and was sheriff of Cheshire in 1268. He added the chapel to the manor-house at Dutton, of which no trace is now believed to remain. After sir Thomas there was, as sir Peter Leycester observes, 'almost a constant succession of

knights'; and it is remarkable, considering their connection with the great nobles of Cheshire, the princely earls of the palatinate, the barons of Halton and the important constables of Chester (from one of whom Hugh de Dutton, in king John's reign, obtained a grant of the curious jurisdiction over the Cheshire minstrels), that they were not early ennobled by summons to parliament, although they appear to have rendered military service, the usual stepping-stone to nobility at that time.

From Dutton, the family in the fourteenth century branched to Hatton, near Chester, then a considerable property, which they had acquired by marriage. Sir Christopher Hatton, queen Elizabeth's dancing lord chancellor:

'Claimed kindred there and had his claims allowed.'

Upon the failure of the direct male line of Dutton in 1527, the ownership of the Dutton and Hatton properties became united in the person of sir Piers Dutton, of Hatton, after a protracted lawsuit, terminated by award of Henry the eighth, and confirmed by Act of Parliament in 1536; which was commemorated by sir Piers in an inscription still to be seen round the old hall at Dutton. By sir Piers' subsequent gift of Hatton to his third son, that property again belonged to a younger branch from Dutton. A long and curious inventory of the contents of Hatton, in 1605, is given in the appendix, in which their extent and value, particularly of the old silver, is considerable. It is regrettable that no similar inventory of the contents of Dutton at that time has been met with. But while an interesting portion of Dutton hall remains, the old house at Hatton has entirely disappeared; and its site is occupied by a farmhouse, though the old moat with its bridge is still to be seen.

From Hatton, at different periods, younger sons went to Chester: from whom came Thomas Dutton, the founder of the Sherborne branch, who graduated at Brasenose College, Oxford, in 1523; and purchased Sherborne in 1551: Richard Dutton, who was mayor of Chester in 1567 and 1573; and came into conflict with the lords of the council in defence of the city's charter rights: sir Thomas Dutton, a captain in the low countries; and sir Richard Dutton, governor of Barbados 1680-1685 (whose elder daughter was a legatee under the will of lady Dutton of Sherborne in 1721, who described her as her cousin); while others from Hatton settled at Holt, in Denbighshire and at Cloughton, in Yorkshire. The Cloughton Duttons, who were descended from the younger brother of William Dutton of Chester, father of Thomas Dutton of Sherborne, used the present family motto of the Sherborne branch of *Servabo fidem;* while the Duttons of Dutton and of Warburton appear to have used French mottoes. There were also Staffordshire Duttons, who were knights of the shire in the fourteenth century; and of whom may have been the Dutton who is said to have been one of the four esquires who fought beside the heroic lord Audley at Poictiers. Of a Peter Dutton, who was lieut.-governor of the Isle of Man in 1496, nothing further is known.

Two of the most notable, or, at least, the most desperate duels in English history, were fought by a member and a connection of this family respectively. One, the duel in 1610, between sir Thomas Dutton (of the Duttons of Chester and thus related to the Sherborne branch of the family) and sir Hatton Cheke, occasioned by a hasty expression used by the latter at the siege of Juliers, in the Netherlands, where they were on military service together: Cheke being Dutton's superior officer there. They fought on Calais sands, each being armed with a rapier and a dagger: a most desperate encounter, of which an eloquent description by Carlyle, is given in this work. The other is the well-known duel in Hyde park in 1712, between the duke of Hamilton, a few months after his creation as baron of Dutton, in the peerage of Great Britain (though he never took the family name) and lord Mohun, arising out of a law-suit in connection with the Dutton-Gerard property, in which both principals and seconds were engaged. In the former encounter the Dutton opponent was the survivor, though badly wounded; but in the latter the family connection was not so fortunate, though killing his opponent. It was, however, at the time represented that the duke would have survived had not colonel Maccartney (lord Mohun's second), it was said, stabbed the duke as he lay wounded in his second's arms; but this is not proved by the evidence. Dean Swift, who was then living in London, and intimate with the duke and duchess, maintained and asserted, not only in the account of it which he wrote for the newspapers, but also in his 'History of the last four years of Queen Anne,' that Maccartney had murdered the duke; but there was evidently a good deal of party feeling about it. The interesting account of the duel which Thackeray introduces into 'Esmond,' is according to the popular version of it at the time, but while closely following the historical details and mentioning the duke's creation as baron of Dutton, he strangely enlarges upon them with regard to the duke, by representing him as a widower and the accepted suitor of Beatrix Esmond; whereas, in fact, the duchess (the Dutton-Gerard heiress) was then living; and it is one of the most pathetic passages in the dean's touching description of the duel, where he states that the duchess was in bed asleep, when the duke was brought home dead, at eight o'clock in the morning, to his house in St. James's square. Her grief, the dean adds, 'has moved my very soul.'

A few months before the Cheke-Dutton duel, John Dutton, the sole male heir-apparent of Dutton, died in a tragic manner at the age of fourteen during his father's lifetime. According to the family tradition, he was returning home with his bride from their wedding, when his horse shied and he was thrown and killed on the spot. His bride, a grand-daughter of the lord chancellor Ellesmere, survived him for two years; and died, it is said of grief, at the age of sixteen. The inscription upon her monumental effigy, of which a view is given in this work, states that she died 'a wife, a widow and a maid.' By John Dutton's untimely end the Cheshire property (exclusive of the Hatton portion which belonged to a younger branch), which would then be worth about £80,000 yearly of present

money,* at his father's death in 1614 passed to his sister, who became lady Gerard, and thus it descended to the Gerard heiress who married the ill-fated duke of Hamilton; and in part occasioned the law-suit which led to the duel.

Considering what sir Peter Leycester describes, as the 'great worth and antiquity' of the Dutton family, the extent of their possessions and their position in the county, it would seem as if their Cheshire representatives upon the whole, notwithstanding their appearance at Poictiers, Agincourt and elsewhere, at their country's call, had otherwise neither the ambition nor necessity of making any very energetic use of their opportunities. They could not perhaps have evaded the shrievalty, even if they had desired to do so, but they do not appear to have troubled about representing the shire in parliament; and knights of the shire in earlier times, however honourable they may be supposed to have been, were not usually commoners of the greatest wealth and distinction, who rather aspired in connection with military service, to a summons to the king's great council as peers. They could scarcely avoid taking part in the Wars of the Roses, which we are told stirred up Cheshire gentlemen and divided and embroiled their families to an unprecedented degree of fury against each other; so that Drayton, in his 'Poly-olbion' (Song XXII.), describing the battle of Blore heath, in Cheshire (Sept. 23, 1459), where three of the Duttons fell, evidently fighting against each other, says:

> 'There Dutton, Dutton kills; a Done doth kill a Done;
> A Booth a Booth; and Leigh by Leigh is overthrown;
> A Venables, against a Venables doth stand;
> And Troutbeck fighteth with a Troutbeck hand to hand;
> There Molineux doth make a Molineux to die;
> And Egerton, the strength of Egerton doth try.
> O Cheshire! wert thou mad?' etc.,

thus naming all the county families who were opposed to each other, with the Duttons first. Sir Piers Dutton, the family representative at the time of the suppression of monasteries, came into prominence, but by the malignity of his enemies, it is said to have ended disastrously for him; and although the duke of

* From the inquisition taken after Thomas Dutton the father's death in 1614, it appears that the Cheshire property then consisted of 37,000 acres, 1,000 messuages, 1,000 gardens, 8 salt mines, 6 mills, 3 dovecotes, etc. The salt mines which they owned at Northwich would be almost as valuable as coal mines are elsewhere. The dovecotes, being those extensive manorial erections capable of holding some thousands of birds, of which examples are still to be seen, as at Ashby St. Leger's were an important source of provision and of revenue, to the manor. According to the parliamentary 'Return of Owners of lands,' for Cheshire, no single landowner of to-day owns nearly so much of the soil of Cheshire as was owned by the Dutton of Dutton at that time. The chief landowner there is returned at 25,000 acres, next to whom comes the duke of Westminster, whose Cheshire property is returned at 15,001 acres only.

Hamilton, who married the Dutton-Gerard heiress, was created baron of Dutton in 1711, as a by-title partly in order, being a Scottish peer, to give him a seat in the House of Lords (the writ of summons upon the creation was refused, but the duke was already a representative peer of Scotland): it was a member of a younger branch of the family, who founded the line which, in 1784, was ennobled and obtained distinct family representation in the peerage of Great Britain, by the title of Baron of Sherborne.

The writer's grateful acknowledgments are due to those who have kindly assisted him in the progress of this work.

His grace the duke of Hamilton kindly had special search made at Hamilton palace for anything of Dutton family interest.

To the rev. Canon Holme, vicar of Great Budworth, Cheshire, the parish in which Dutton hall was of old situated, he is indebted for kind hospitality, for access to the registers; and for introducing him to those who might be likely to aid or be interested in these researches. Of these are Piers Egerton-Warburton, esq., of Arley hall, the representative of the Duttons of Warburton and Arley, who kindly lent him a copy of the interesting 'Calendar of the Arley charters,' containing many Dutton references, but unfortunately printed without an index; and his brother-in-law, John Ussher, esq., of the Dene, Great Budworth, who generously lent him negatives of Dutton hall taken in the year 1883.

To the rev. T. J. Evans, vicar of Tarvin, Cheshire, where John Dutton, the boy bridegroom, died and is buried, he is indebted for a kind reception and information.

The rev. Dr. Woods, rector of Little Gaddesden, Herts, whose church contains the monument to Elizabeth Dutton, who died 'a wife, a widow and a maid'; the rev. Adam C. Gordon, rector of Dodleston, Cheshire, where the Egertons resided; the rev. G. H. Baillie-Hamilton, vicar of Waverton, the parish in which Hatton is situated; and the rev. L. D. Lyon-Bennett, vicar of Little Leigh, the parish in which Dutton hall is now situated, kindly replied to his enquiries.

From Mr. and Mrs. Baxter, of Dutton hall, by whose taste and care the interesting old house is so well kept and preserved, he received a kind reception and assistance, upon the occasions of his visits there.

The full-page illustrations throughout the work have been prepared by the Autotype Company: those of Dutton hall from photographs specially taken for the purpose, by Mr. Morris, of Chester.

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A.D. 1066—1784

A.D.

1066. Odard, the Norman ancestor, with his five brothers, came over from Avranches in Normandy, in the army of William the Conqueror.

1086. Odard established at Dutton (Duntune), in Cheshire, where he owned a third part of the township, at the time of the Domesday Survey. The remaining portions were acquired by his descendants in 1341 and 1354.

1187–89. Sir Geoffrey de Dutton served upon the second or third crusade to the Holy land. (Ancestor of the Warburtons of Warburton and Arley.)

c. 1216. Hugh de Dutton granted the jurisdiction over the Cheshire minstrels by the constable of Chester.

c. 1236. Hugh de Dutton built Poosey chapel, within the demesne of Dutton.

c. 1272. Sir Thomas de Dutton, the first knight of the family, added the chapel at Dutton.

1276. Birth of Hugh de Dutton (Dec. 8), baptized at Great Budworth the following day. In 1315 he sued the prior of Norton for not providing a chaplain and lamp at Poosey chapel.

1293. (Sir) Peter de Dutton knighted by Edward I. (Jan. 1).

1300. Siege of Caerlaverock (July 11). Hugh le Despencer, present at the siege, bore the Dutton arms differenced with a bend. (Roll of Caerlaverock.)

A.D.

1309. Robert de Dutton represented Staffordshire in parliament; and again in 1314, 1319, 1321, 1328, 1329, and 1333. (A Robert de Dutton is mentioned in the military accounts as in the retinue of lord Audley. He may have been the Dutton who is said to have been one of the four esquires who fought beside lord Audley at Poictiers.)

1314. John de Dutton and Robert de Dutton, summoned to perform military service in person against the Scotch (June 30), to muster at Newcastle-on-Tyne on August 15 following. (Scotch Roll, 8 Edw. II.)

1356. Battle of Poictiers (Sept. 19). A member of this family is said to have been one of the four esquires who, according to Froissart, fought beside lord Audley in the battle. The 'fret' in the Dutton arms is traditionally, but improbably, said to have been then adopted by desire of lord Audley, being his own arms or badge in memory of that occasion.

1359. Letters of protection granted to Thomas de Dutton while absent beyond sea in the retinue of the Prince of Wales, the 'Black Prince' (Dec. 16).

1379. Sir Thomas de Dutton founded a chantry at Warrington with a priest to pray for his soul and for the souls of his two wives and of his family and of his wives' relations yearly for ever, and their names to be entered in the convent's martyrology.

1379. Agnes de Dutton elected prioress of the Benedictine nunnery of St. Mary's, Chester. Died 1386.

1381. Death of Sir Thomas de Dutton (May 1).

c. 1390. Hugh Dutton, second son of Edmund de Dutton, became lord of Hatton, near Chester, in right of his wife, the Vernon coheiress. (From Hatton later, the family branched to Chester, Holt in Denbighshire, Cloughton in Yorkshire and Sherborne in Gloucestershire.)

1403. Sir Peter de Dutton, pardoned for taking part with Henry Percy, surnamed Hotspur (Nov. 3).

1403–4. Sir Peter de Dutton ordered by writ from the prince of Wales to hasten and take up his abode, on the marches of Wales, and there to make defence against the invasion of Owen Glendower (Jan. 11).

1405. Hugh de Dutton commissioned to conduct men-at-arms to the marches.

1410. Sir Peter de Dutton had licence to empark the manor of Dutton.

A.D.

1415. Battle of Agincourt (Oct. 25). Sir Thomas Dutton, with 10 men-at-arms and 30 mounted archers in the retinue of Henry V., and Laurence Dutton, in the retinue of the earl of Huntingdon, present at the battle. Sir Thomas received as security for the payment of his wages, a tablet of gold, with the Trinity on the top and beneath their feet the Virgin Mary; on the foot of the table were the three kings of Cologne. It was garnished with twenty-seven large pearls, seven of them worth five marks each, and the other twenty worth 30d. each, weighing 5 lb. 1 oz., which had been given by the city of London to Richard II. in 1392, then valued at £800. It was redeemed by the Crown 4 Henry VI.

1417. (April 6) Sir Thomas de Dutton obliged to set aside £60 yearly, for three years, to defray the debts which he had incurred upon the voyage with the king to Harfleur. (Chester Recognizance Rolls.) The siege and capture of Harfleur took place in the month preceding the battle of Agincourt.

1459. Sir Thomas de Dutton, with his brother John Dutton, and his eldest son Peter Dutton, killed at the battle of Blore heath, in Cheshire (Sunday, Sept. 23), during the Wars of the Roses.

1462. (June 18) Grant to John Dutton, of Hatton, of the frithmote of the forest of Mara and Mondrem, until he should have satisfied himself out of the issues of the same, for £100, expended by him in attending at the king's command at Chester with certain men. (Chester Recognizance Rolls.)

1476. Dutton archives (Jan. 22). Warrant for the conveyance to the Exchequer at Chester of two chests containing charters, etc., of all the possessions of Roger Dutton, esq., deceased, which were then in the earl of Chester's hands, by the minority of Laurence Dutton, the son and heir, with note of their delivery. (Chester Recognizance Rolls.)

1481. Peter Dutton, of Hatton, father of sir Piers Dutton, outlawed for a raid.

1496. Peter Dutton, lieut.-governor of the Isle of Man.

1499. The Crown challenged the right of the Duttons' jurisdiction over the minstrels and vagrants of Cheshire and admitted it.

1500. Lady Strangways, then of York (formerly Mrs. Dutton of Dutton), bequeathed her red velvet bonnet to her daughter-in-law at Dutton to pray for her soul.

c. 1507. Birth of Thomas Dutton, descended from the Duttons of Hatton and Dutton, founder of the Sherborne branch of the family. Graduated at Brasenose College, Oxford, in 1523. (Aged 74 at his death in 1581.)

A.D.

1527. Death of Laurence Dutton, of Dutton, without heir male, by which the Dutton property passed to sir Piers Dutton of Hatton, whose right was contested by the heirs-general of sir Hugh Dutton.

1533. (Dec. 14) The abbot, prior and monks of Winchcombe abbey, in Gloucestershire, leased the manor of Sherborne in that county to sir John Alleyn, knight, for ninety-nine years at a peppercorn rent, while secretly receiving a large sum of money for the same, in view of the approaching dissolution of monasteries. (Original lease signed by the abbot, prior, and twenty-three monks at Sherborne house.)

1534. Termination of the Dutton lawsuit, by award of Henry VIII. (May 16), by which sir Piers Dutton of Hatton became owner of Dutton, confirmed by Act of Parliament in 1536.

1536. Suppression of monasteries. Sir Piers Dutton appointed one of the commissioners for the abbey of Vale Royal. Quelled an insurrection at Norton abbey and arrested the prior and canons. Thanked by Henry VIII.

1539. Sir Piers Dutton and dame Julian, his second wife, commenced the new hall at Dutton. Completed in 1542.

1545. Death of sir Piers Dutton, of Dutton and Hatton (Aug. 17).

1551. Thomas Dutton acquired the manor of Sherborne, in Gloucestershire, from sir Christopher Alleyn, having previously been established there.

1567. Richard Dutton, mayor of Chester. 'He kept house at the White Friars, and in all the twelve days of Christmas kept open house for meat and drink at meal-time for any that came. All the Christmas-time there was a lord of misrule' (MS., Mayors of Chester).

1571–74. John Bruen, afterwards the noted puritan layman, brought up at his uncle Dutton's at Dutton, 'where by occasion of musicians and a chest of viols kept in the house, he was drawn by desire and delight into the dancing-school, where he profited so well in that kind of youthful activity that he did not only please himself too much, but his parents also more than was meet with those tricks of vanity' (John Bruen's Life).

1572. Sir Christopher Hatton, queen Elizabeth's dancing lord chancellor, claimed kindred with the Duttons of Hatton.

1574. Queen Elizabeth entertained by Thomas Dutton for six days at Sherborne.

A.D.

1574. Richard Dutton, mayor of Chester, in conflict with the lords of the council respecting the city charter.

1581. Thomas Dutton died at Sherborne (Oct. 24), aged seventy-four. In his will he desired that the 'arms of the house of Dutton in Cheshire, out of which house I came and descended,' be placed over his tomb.

1588. Approach of the Armada. John Dutton and Rowland Dutton, of Chester esqs.; and William Dutton, of Sherborne, esq., each subscribed £25 for the defence of the country.

1592. Queen Elizabeth entertained by William Dutton for six days at Sherborne (Sept.).

1593. Death of Peter Dutton, eldest son of John Dutton of Dutton (May 30). In 1583, on his return from his travels, sir Christopher Hatton wrote of him that the queen was assured he would prove 'a man meet to be hereafter employed in service to the benefit of his country.'

1594. Birth of John Dutton (son of William Dutton), who eventually succeeded to Sherborne. Born hunchbacked; and known as 'Crump Dutton.' Became 'one of the richest men in England.' Rebuilt Sherborne house from designs by sir Inigo Jones. Erected by the brothers Strong.

1603. (Sir) Thomas Dutton, of Chester, knighted by James I. Became a captain in the low countries. In 1606, lord Salisbury wrote in favour of him that he 'is well esteemed of by his majesty.' The earl of Suffolk and lord chancellor Ellesmere were amongst his friends at court. Temporarily lost royal favour by killing sir Hatton Cheke in a duel in 1610.

1608–9. John Dutton, the sole male heir-apparent of Dutton, killed (according to family tradition) on his wedding-day (Feb. 9). Buried at Tarvin, in Cheshire, Feb. 11, 1608–9, aged fourteen.

1609. Marriage of the hon. Gilbert Gerard and Eleanor Dutton, the heiress of Dutton, at Great Budworth (Sept. 16).

1610. Duel between sir Hatton Cheke and sir Thomas Dutton fought on Calais sands, in which sir Hatton Cheke was killed (Dec.).

1611. Death of Elizabeth Dutton, 'a wife, a widow and a maid' (Oct. 2), aged sixteen. Buried in the chancel of St. Martin's-in-the-fields, London.

1613. William Dutton, of Sherborne, purchased the manor of Standish, in Gloucestershire, from the Winston family.

A.D.

1614. Death of Thomas Dutton, the last of the Duttons of Dutton (Dec. 28), aged forty-six. Twentieth in direct descent from Odard. Funeral sermon preached in Great Budworth church and afterwards printed.

1618. Death of William Dutton, the second family owner of Sherborne (Nov. 10), aged fifty-seven.

1624. (Sir) Ralph Dutton of Standish, gentleman of the privy chamber, knighted by James I. at Woodstock (Aug.).

1638. Marriage of Lucy Dutton and the earl of Downe, at Sherborne (Nov. 26). John Dutton, her father, had purchased the wardship and marriage of the earl, to whom he married her.

1640. John Dutton, of Sherborne, sat in the 'Long parliament,' and went to Oxford with the king, and is said to have drafted the articles upon the surrender of that city to the parliament. In 1642, offered to lend Charles I. £50,000 (Lord Montagu's correspondence). Paid £5,216 composition as a royalist for his estates. Afterwards an admirer and personal friend of Oliver Cromwell's, whose daughter Frances he arranged for his nephew and heir to marry. In his will he appoints Cromwell as guardian of his nephew, and alludes to the proposed marriage 'which I much desire and if it take effect, shall account it as a blessing from God.' It did not take place.

1643. Charles I. entertained by Lucy (Dutton), countess of Downe, at the Dutton manor-house at Coberley (Sept. 6), and again in 1644 (July 11).

c. 1646. Death of sir Ralph Dutton, of Standish, a royalist officer, said to have been wrecked and cast ashore on Burntisland in 1646. Upon the outbreak of the civil war he raised a regiment for the king, which was the second raised, 'and came into his majesty complete 800 with flying colours at the setting up of his royal standard at Nottingham.' He also compiled a manual of prayers for its use.

1653. William Dutton, the heir to Sherborne, sent by Oliver Cromwell, his guardian, to Eton with the poet Marvell.

1656. Death of Lucy (Dutton), countess of Downe, at Coberley (Easter-day) aged thirty-two. According to the parish register, 'she fasted from eating and drinking before her death ten days.'

1656–57. Death of John Dutton of Sherborne (Feb. 18), aged sixty-three. 'He was a learned and a prudent man; and as one of the richest so one of the meekest men in England' (Anthony à Wood). Oliver Cromwell wrote a letter of condolence to Mrs. Dutton of Sherborne, alluding to the 'great loss of your noble husband, my very good friend.'

A.D.

1657. The Colt-Dutton lawsuit for the Sherborne estates between John Dutton's son-in-law and his nephew (verdict Nov. 4). 'The greatest discourse of the town for this term hath been the issue between Mr. Colt and young Dutton for the Duttons' estate of Sherborne, which was tried yesterday in the Upper bench; and held the court from nine in the morning to nine at night, much gentry being present of both sexes, but it went with Mr. Dutton' (Francis Newport to sir R. Leveson, Nov. 5, 1657).

1665–66. Death of Eleanor, then viscountess Kilmorey (the Dutton heiress), at Dutton (March 12). Buried at Great Budworth.

1675. Death of William Dutton of Sherborne, formerly Oliver Cromwell's ward (bur. April 5).

1678. Ralph Dutton, of Sherborne, created a baronet by Charles II. (June 20). Represented Gloucestershire in parliament 1678-79, 1688-90, and 1695. His favourite pastime was greyhound coursing. In 1691, he was described in a newsletter, as 'one of the chief men of England for that sport.'

1680. Sir Richard Dutton appointed governor of Barbados (Oct. 22). Originally of Chester, left the law at the age of seventeen for the army, served as a royalist officer throughout the civil war; and was twice imprisoned in the Tower. Became an officer in the duke of York's guards, and knighted by Charles II. Arrived at Barbados March, 1681. Twice thanked by Charles II. for his vigorous administration of the colony, but eventually made enemies. Returned 1685. 'I hope sir Richard's home-coming will be for his honour and advantage what endeavours soever have been used to lessen him there. Sir Richard has been known to be more a soldier than a lawyer, which I presume is the reason he committed the jurisdiction of the court of grand sessions to those that were better skilled in the laws than himself' (Letter to Pepys, 1685). Made his will in 1702-3, 'being of great age,' and died shortly afterwards. (His elder daughter was a legatee under the will of lady Dutton, of Sherborne, in 1721, who described her as her cousin.)

1683. Birth of John, son of sir Ralph Dutton of Sherborne, whom he succeeded in the baronetcy.

1711. Duke of Hamilton created Baron of Dutton (Sept. 5). Killed in a duel with lord Mohun the following year (Nov. 15).

1728. Marriage of sir John Dutton, bart., with his second wife, Mary Keck, at Hampstead (June 1) by the bishop of Ely.

A.D.

1730. Elizabeth Dutton's monumental effigy removed to Little Gaddesden church, Herts, by the duke of Bridgewater.

1742–43. Death of sir John Dutton, the second and last baronet of Sherborne. Buried at midnight (Feb. 4). He kept a minute account of all his personal expenses.

1748. A remarkable run by 'Lord Chedworth and Mr. Dutton of Sherborne's confederate pack of hounds for five hours over the finest country in England' (Dec. 5).

1784. Creation of James Dutton, of Sherborne, esquire, as Lord Sherborne, Baron of Sherborne, in Gloucestershire, in the peerage of Great Britain, by George III. (May 20).

THE DUTTONS OF DUTTON

I.—ODARD, THE NORMAN

ODARD, THE NORMAN ANCESTOR AND HIS BROTHERS—THEIR RELATIONSHIP TO NIGEL, BARON OF HALTON, THE CONQUEROR'S COUSIN—PROBABLY ESQUIRES TO NIGEL AT THE CONQUEST—BROTHERS OR VASSALS?—ANTIQUARIAN OPINIONS—RELATIONSHIP DOUBTFUL FROM THEIR DESCENDANTS' COAT-ARMOUR—THE DUTTON 'FRET'—DUTTON (DUNTUNE) AT THE DOMESDAY SURVEY—ODARD'S SWORD.

THE earliest progenitor of the Dutton family in this country was Odard, the eldest or first-named of five brothers, who came over together, one of them as a priest, from Avranches (the birthplace of Lanfranc, their contemporary), in Normandy, at the time of the conquest. They then accompanied a Norman noble named Nigel, who became baron of Halton and who is said to have been a kind of cousin of the Conqueror's. It has for long been doubtful whether the five brothers were related to Nigel, or whether they were his friends or vassals who had volunteered in accompanying him upon that enterprising occasion, as their vassalage did not extend to foreign service. Nigel himself appears to have been in the retinue of the distinguished Hugh (Lupus), afterwards earl of Chester, who had contributed a maximum number of sixty ships* to the Conqueror's naval armament for the invasion of this country; and the five brothers mentioned, or at least four of them, as one was a priest, were most probably esquires to Nigel, as had they been of lower rank, their names might not have been recorded.

The 'Roll of the barons of Halton' states that with Hugh, earl of Chester, came one Nigel, a nobleman; and with Nigel came five brothers: Odard, Edard, Wolmere, Horswyne and Wolfaith, a priest (Ormerod, i. 643); and this seems to be the sole authority for any relationship between Nigel and the five brothers.

Sir Peter Leycester, the eminent Cheshire antiquary (1613-1678), remarks upon this statement: 'Whether those five brethren aforenamed were brethren to Nigel is a doubt, for then, methinks, he should have said, "with his five brethren," whereas he says only,' as above. Leycester was not only connected with the Duttons of Dutton by his marriage with lord Gerard's daughter, but he also compiled the

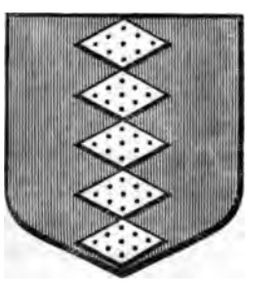
* Freeman's 'Norman conquest' (1875), iii. 380.

Dutton genealogy; and no doubt he would have been glad to have determined so interesting a point in their favour could he satisfactorily have done so.

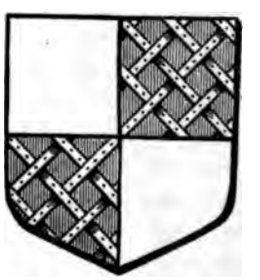
The modern editor of Ormerod's 'History of Cheshire' (i. 689) regards Leycester's objection merely as a grammatical doubt, of which there is nothing further to be found in its favour. He considers that there was no occasion for the record to mention the five brothers unless they were Nigel's own brothers, and therefore supposes them to have been so related to him.

It is, perhaps, remarkable, if they were Nigel's brothers, and thus related to the Conqueror, that while Nigel was made baron of Halton and given extensive possessions, such as might naturally follow from his relationship with the Conqueror, the other brothers received little or nothing, except Odard, who obtained the third part of a township, with other small holdings (in comparison with Nigel's), and Wolfaith, the priest, who got the living of Runcorn. Leycester describes Wolfaith as Nigel's brother (Ormerod, i. 674); while others, again, say that Horswyne and not Wolfaith was the priest. But the question of their relationship and identity is too much obscured by antiquity ever, perhaps, to be satisfactorily determined.

There is, however, evidence which, though of a negative kind, is perhaps the only evidence now procurable, that the five brothers were not related to Nigel, which Leycester and the successive editors of 'Ormerod's Cheshire' appear to have overlooked. The coat-of-arms afterwards borne by the Nigels and that borne by the Duttons are quite different, as may be seen by a glance at the accompanying illustrations; and such evidence at that time, though it may not entirely disprove, yet it renders very improbable, any relationship between them.



ARMS OF NIGEL, BARON OF HALTON.



ARMS OF DUTTON OF DUTTON.

Although coat-armour is not supposed to have been in hereditary use before the Crusades, the relationship between their houses would, it may be supposed, still be heraldically indicated when they came to use it; whereas nothing in heraldry could be more dissimilar than are the Nigel and Dutton bearings. Nigel's son, who founded Runcorn priory in 1133, is known to have borne those arms, which were adopted by the priory; and examples of Nigel's arms and the Duttons' are still to be seen sculptured above the west door of Great Budworth church. It might therefore be supposed that if they had been brothers, or otherwise of the same house as Nigel, the first of the great feudal barons of Halton, the ruins of whose castle or fortress still remain as a kind of monument of their might, they and their descendants would have borne the same arms as their noble chieftain, with the usual difference.

Facsimile of a portion of Speed's map of Cheshire, in 1605, showing Dutton park, Hatton and other places of interest in connection with the Duttons of Dutton.

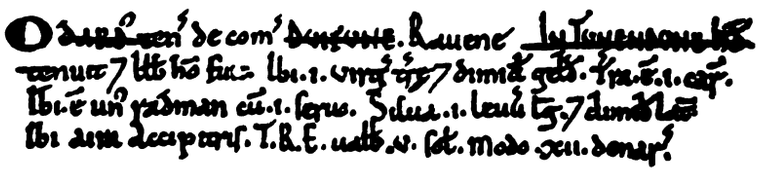
But even upon this supposition we are met by the difficulty that the 'fret,' the principal or only bearing in the Dutton arms, is said to have been added much later, after the battle of Poictiers in 1356. One of the four esquires, mentioned by Froissart as fighting beside lord Audley there, is said to have been a Dutton: if so, he was probably Robert de Dutton of the Staffordshire Duttons, who appears to have been in lord Audley's retinue; and it is said that each of the four esquires adopted lord Audley's arms or badge, of a fret, at his request in memory of their services upon that occasion.* The names of the other esquires are said to have been Delves, Fouleshurst, and Hawkstone, all of Cheshire, whose descendants charged the fret upon their arms per chevron, per fesse and upon the field respectively. This derivation of the fret in their arms is very probable, but while the other esquires bore it as an augmentation or special charge, as it were, the Duttons displayed it as a quartering derived through an heiress. From this it would appear, either that the Duttons did not bear coat-armour previous to Poictiers, which as an esquire to lord Audley is unlikely, or that they had discarded their paternal Nigel coat, which is more unlikely still. The fret does not appear to have been an uncommon bearing in ancient heraldry; and it is most probable that the Duttons used it before Poictiers; and that lord Audley having also borne it, is merely a coincidence. According to the roll of arms of those who were present at the siege of Caerlaverock in 1300, it appears that Hugh le Despencer (whose family progenitor is said to have been a Dutton) there bore the Dutton arms, with the fret in the second and third quarters, differenced with a bend sable. On the other hand, Leycester, while endeavouring to determine the date of the erection of Great Budworth church from the Nigel, Dutton and Warburton arms sculptured there, says: 'Certainly the fret in Dutton's coat was not added before the reign of Edward the third' (Ormerod, i. 606). He does not mention any of the family in connection with Poictiers, but neither does he do so with regard to Agincourt, where it is known that they were.

Odard and such of his brothers as survived the invasion (none of the other brothers appear to be mentioned in Domesday book) were under the protection of the baron of Halton and of the earl of Chester, of whom Odard held Duntune.

At the time of the Domesday survey in 1086, the lordship of Duntune belonged to three Normans, between whom it had been apportioned at the conquest. Its former Saxon owner, named Edward, a freeman, had held two portions of the lordship of which he had been dispossessed. One had passed to the Nigels, but of the other the Saxon Edward had regained possession, apparently as tenant to his Norman landlord, Osbern-fitz-Tezzon, who held lands elsewhere and he had improved it in value from one to two shillings. The remaining portion had belonged to a Saxon named Ravene, also a freeman, from whom it had been transferred to Odard, who held it of the earl of Chester. Its value had, however, under its new proprietor, declined from five shillings to twelve pence. Perhaps he was more attentive to his

* The matter is at present under discussion in *Notes and Queries*.

other Cheshire properties, as of two of them he had more than trebled the value. The following is a facsimile of the actual entry in Domesday book relating to Odard's possession of Duntune. The lines which appear to cancel some of the words are rubricated in the original, such being the Norman method of distinguishing names and places of importance in that record:



In English: 'Odard holds of the earl, Duntune. Ravene held it, and was a freeman. There is one virgate and a half of land rateable to the gelt. The land is one carucate. There is a radman with one serf. A wood a league long and half as broad and a hawk's æry. In king Edward's time it was worth 5s., now 12d.'

Odard also owned a portion of the manor of Halton and lands in Weston, Aston and Whitley in Cheshire, each of which he had increased in value at the time of the survey. Nothing is known of the date of his decease. His sword is said to have been preserved at Dutton until Leycester's time. It is mentioned in the will of Thomas Dutton, the last of the Duttons of Dutton (1569-1614), by the name of 'Hudard's sword'; and he there bequeaths it to his son-in-law sir Gilbert Gerard. Leycester says of it: 'This Hudard's, or Odard's sword, is at this day (1685) in the custody of the lady Elinour, viscountess Kilmorey, sole daughter and heir of Thomas Dutton, late of Dutton, esquire, deceased: which sword hath for many ages past been preserved and passed over from heir to heir as an heirloom by the name of Hudard's sword, and so at this day it is by tradition received and called' (Ormerod, i. 648). It is supposed to have been the actual weapon wielded by Odard at Senlac, but, as other writers have suggested, it was probably counterfeit: if so, it is perhaps a curious thing to mention in so serious a document as a will. It has since entirely disappeared, although it might be one of the old swords which are still at Hamilton palace. The sword, or rather the blade, as the handle is more modern, which is supposed to have belonged to Hugh Lupus, earl of Chester, is now to be seen in a glass case in the mediæval room of the British Museum, where it is placed next to the dress-sword as worn by Gibbon the historian. It bears the inscription, '*Hugo comes Cestriæ*,' in antique lettering, but its connection with the first earl of Chester is considered to be questionable by the authorities there. It is engraved in Lyson's 'Magna Britannia' (ii., pt. 2, 461). It may be observed that Odard named his son Hugh, perhaps after the earl of Chester, his supreme patron, and for five successive generations the family representative at Dutton bore that name.

II.—DUTTON HALL

ITS SITUATION AND MAGNIFICENT PROSPECT IN THE VALE ROYAL—SIR PIERS DUTTON'S ADDITIONS TO THE HOUSE—'WHO THANKETH GOD OF ALL'—CARVED WORK IN THE PORCH AND HALL—INSCRIPTION ROUND THE HALL COMMEMORATING THE GREAT DUTTON-HATTON LAWSUIT—SIR PETER LEYCESTER'S DESCRIPTION—JOHN BRUEN THE PURITAN LEARNS DANCING THERE—THOMAS DUTTON OF SHERBORNE'S ALLUSION TO DUTTON.

ODARD could scarcely have chosen, if he did himself choose it, a more beautiful situation for a place for his descendants than the site of Dutton hall, with its magnificent prospect stretching away across the valley of the river Weaver, which winds through the view, to the distant wooded hills beyond. It embraces a considerable expanse of the scenery which we are told obtained for the county the name of the Vale Royal of England, and from which Edward I. is said to have named the abbey of Vale Royal, which he founded on the banks of the Weaver a few miles from Dutton.*

The portion now remaining of Dutton hall, the home of Odard's descendants for six centuries, is an interesting half-timbered structure, standing back, though within sight of the main road from Northwich to Runcorn, and distant about midway between those places, with its roofed or 'weather end' towards the highway. It is supposed to have formed the east side of a quadrangle, and comprises the hall as built by sir Piers Dutton and his lady in 1539-42, for the purpose of connecting the adjacent chapel with the house, but the chapel has since disappeared. The entrance porch, with its beautifully-preserved interior, is a fine example of the domestic architecture of the time, the outer glass door and screen being a modern addition. Upon the external carved work of the higher of the transom beams above the porch are the initials 'S. P. D. K.', signifying sir Piers Dutton, knight, while the lower beam† has a 'true lover's knot' entwining the letters

* The name Dutton (Duntune) is derived from the Saxon *dun*, a hill or down, and means a town upon a hill or down (Ormerod, i. 642). There are four other townships named Dutton in England: one on the fells in the parish of Ribchester in Lancashire, and three in the parish of Holt in Denbighshire: in each the name is used in the same way.

† The carved work upon these two beams has of late years been renewed. It had become so decayed, that sooner than it should entirely disappear, Mr. and Mrs. Baxter, the tenants, had it replaced in exact imitation of the original at their own expense.

'P.' and 'J.', in allusion to sir Piers and dame Julian, who was his second wife at the time. The following inscription in gothic text is carved upon the lintel:

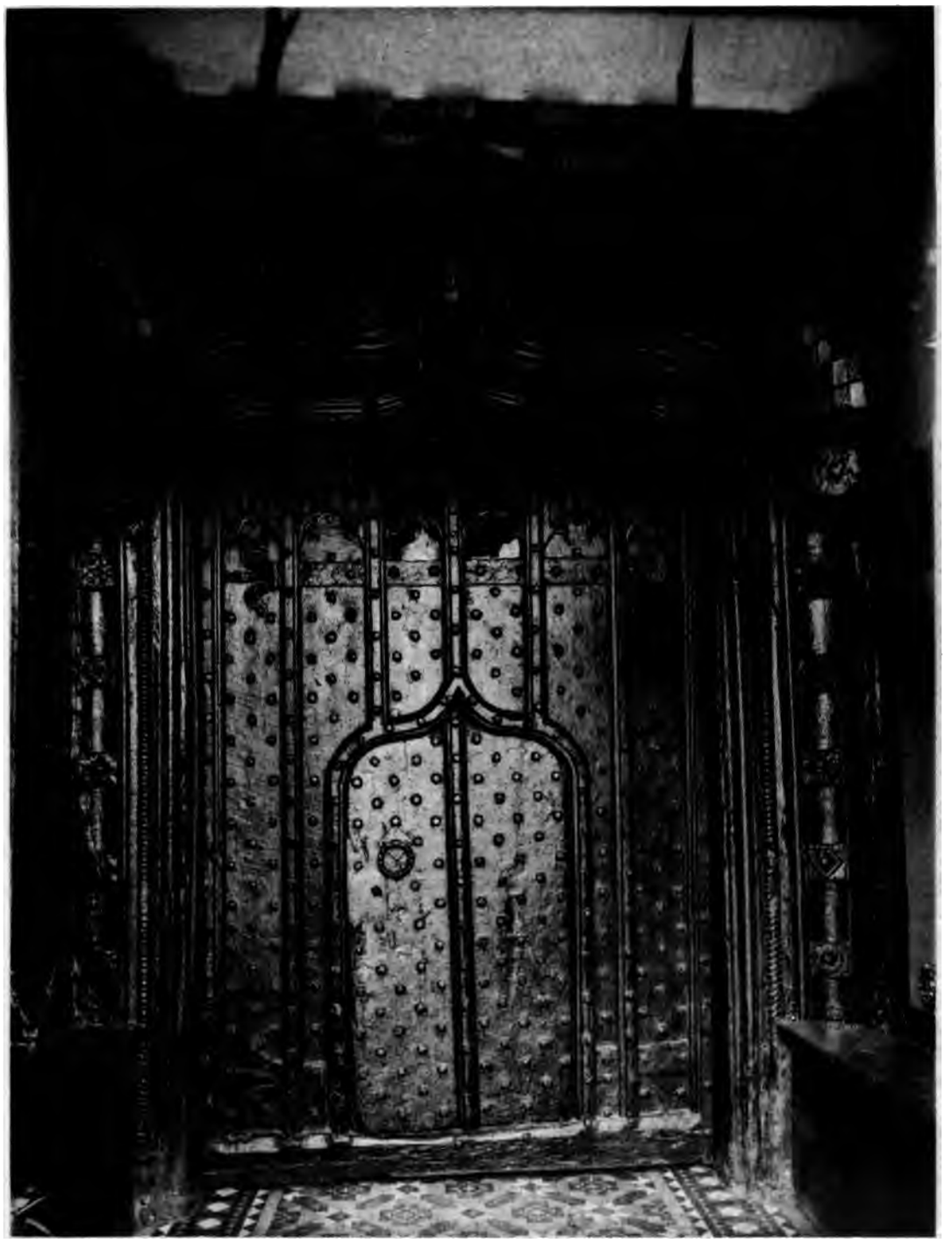
> 'Syr peyrs dutton knyght lorde of dutton and my
> lade dame julian his wiff made this hall and buyldyng in the yere of
> oure lorde god a M CCCCC XLII who thanketh god of all.'

The appearance of the ancient inner doorway with its massive oak and iron-studded door, wicket and carved work, is most beautiful. Above the archway, carved in gothic text, are the words, 'Who thāketh god of all xxxix,' the figures being intended for the year 1539, the difference between the dates given of 1539 and 1542 representing, either the period occupied in the completion of the building, or the porch may have been added at the latter date. Beneath are ranged six shields of arms carved in the woodwork, the two centre shields displaying the arms of Hatton and Dutton, but the heraldic charges upon the remainder are now illegible. At the top left-hand, or dexter side of the archway is a beautifully carved achievement of the Dutton coat-of-arms, quartering Hatton, in colours, with crest of five plumes, helm and mantling with two gryphons as supporters. Within a wreath of carved work beneath it is the 'sacred monogram' of 'I.H.S.' At the top right-hand, or sinister side of the archway is a similar achievement, but in place of the crest is an arm supporting a Tudor rose encircled with a garter. Below it and within what is perhaps intended for a crown of thorns, but with Tudor roses interspersed, are 'the five wounds of Christ' carved and in colours. There are other portions of emblematic carving, one apparently representing a sacrificial goat or lamb. The porch has a seat along either side.

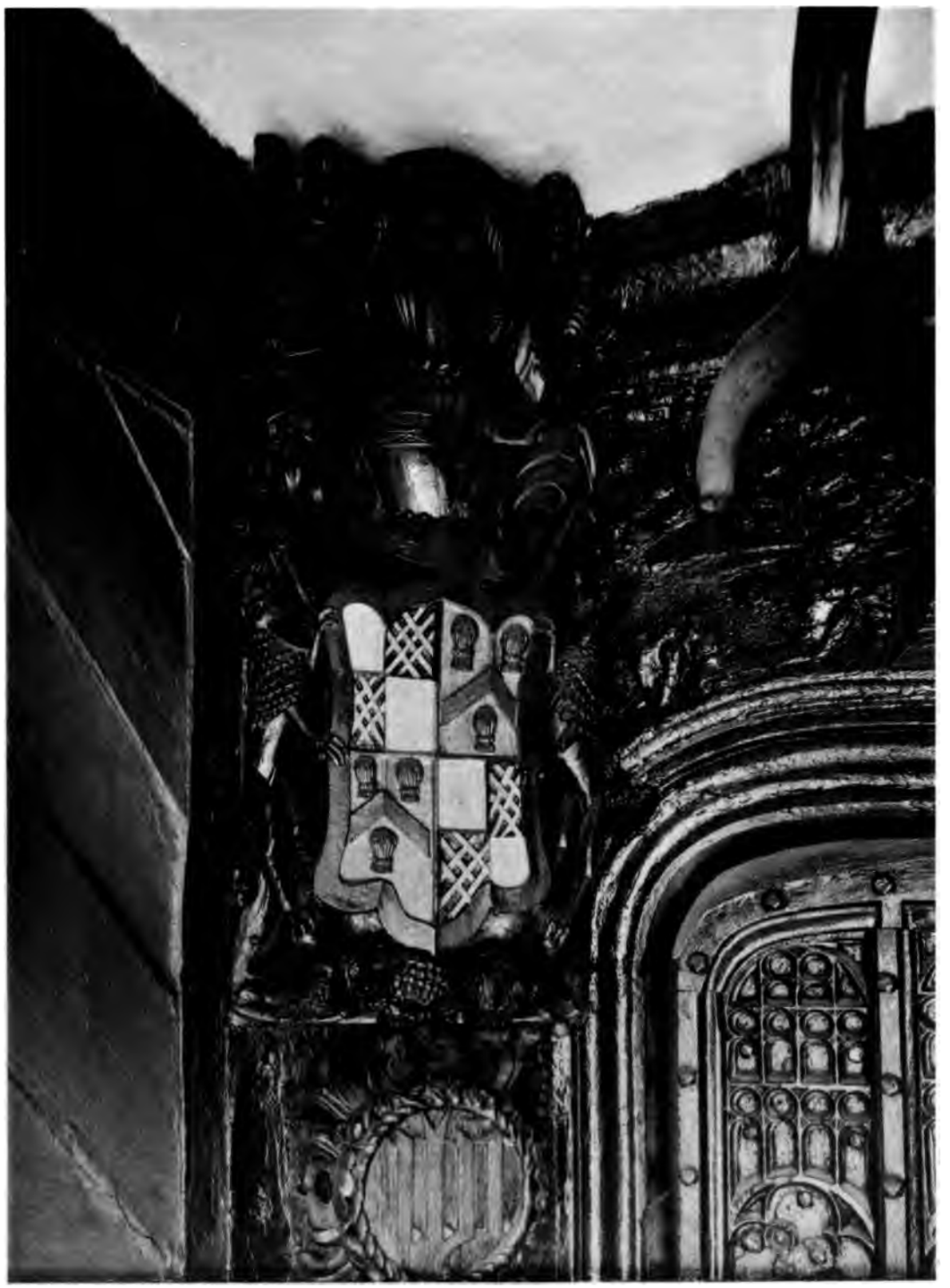
The entrance hall, with its fine perpendicular style of oak ceiling divided into squares, with ribs and bosses (of the latter no two are alike), forms the usual passage-way through the house beneath the minstrel gallery, and divided from the hall upon the left by an oak screen, of which the massive oak shaftings and capitals still remain, while the offices would be to the right of the entrance. The position of the hall as erected by sir Piers and his lady is easily identified, as it occupied the whole of the building now remaining to the left of the entrance, including the six windows as shown in the view of the front of the house, and extending to the back of the building, with its ancient fireplace measuring 8 by 14 feet, and immense chimney shaft, which are still visible.* The hall itself has been simply floored midway throughout, and partitioned into rooms on the ground-floor and upper story. This may be observed in the view of what now forms a gallery to

* In the *Building News* for October 8, 1886, p. 530, a large lithographic illustration is given of the porch of Dutton hall from a sketch by M. B. Adams. The letterpress description states that 'much of the old oak panelling has been carried away, and might be found in some of the neighbouring churches which have been partly furnished at the expense of this old mansion. Some years ago a large quantity was stored at the owner's residence, Aston hall, whence it has been distributed hither and thither.'

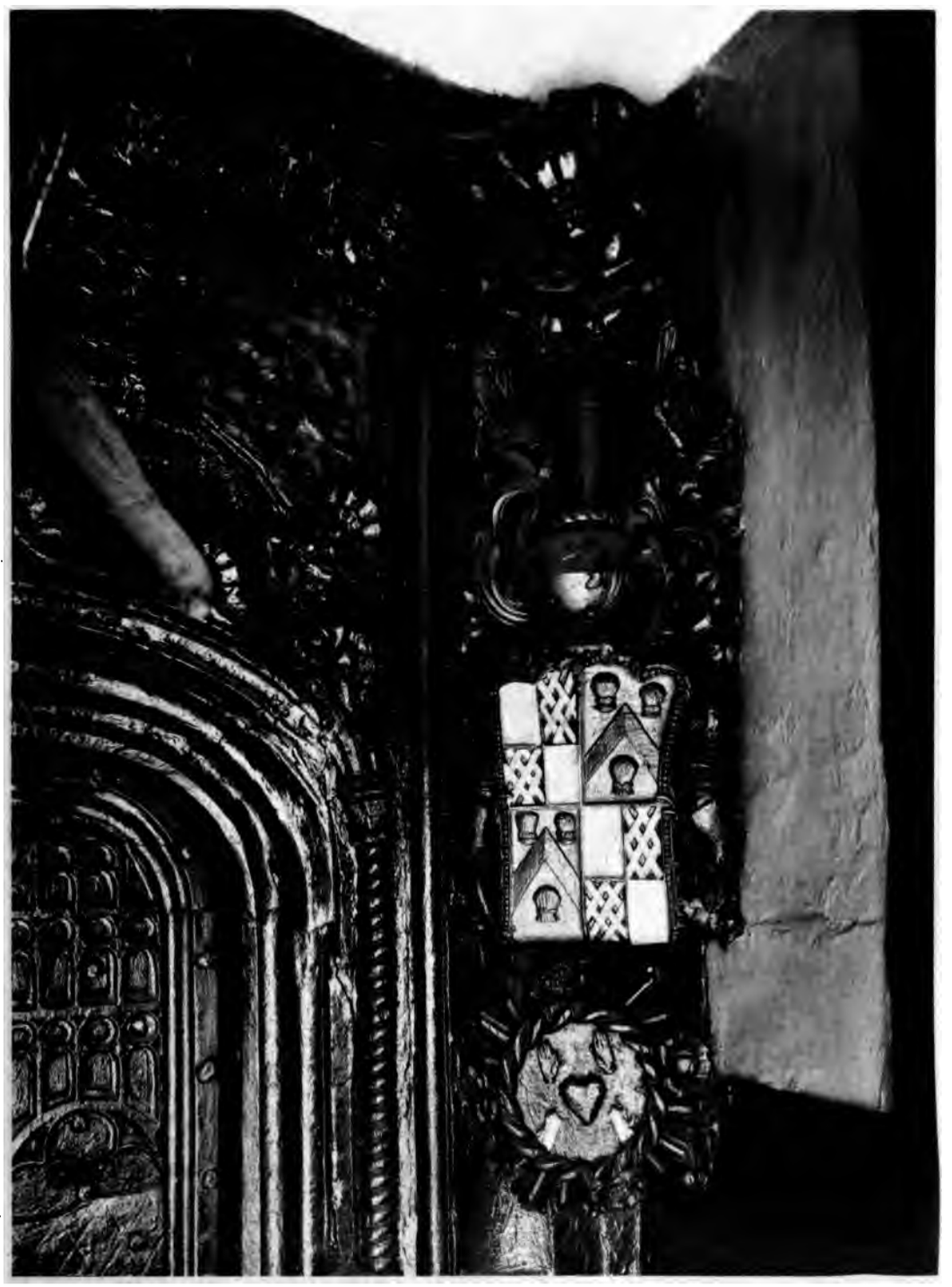
View of the entrance porch of Dutton hall.



View of the ancient entrance door of Dutton hall.



View of the carved work achievement of the Dutton coat of arms at the left hand side of the entrance porch of Dutton hall.



View of the carved work achievement of the Dutton coat of arms at the right hand side of the entrance porch of Dutton hall.

the bedrooms, where a part of the oak shafting is seen continued from the floor beneath with its capital, and the spring of the arch between the hall and the minstrel gallery above the inner entrance of the hall. The view also shows a portion of the coved ribwork ceiling, terminating in what was probably a fine open-work roof, which is now ceiled in. At the upper edge of the coved ribwork, extending for 88 feet round the hall, an inscription is carved in gothic letters 4 inches deep, commemorating the erection of the hall, and the great Dutton-Hatton lawsuit, won by sir Piers in 1534, of which the following is all that is now discernible:

'in the yere of his most graciose ragn nota that this hall & all the newe chambs & tñslacoñs* were made & finished anno MCCCCCXXXIX bi the especiall devising of s^r^ piers dutton knight & dame julian his wiff doghter of william ponies of northok'g^tt^on in essex esquier memorād' that aft' long sute made bi the heir of the duttons against s^r^ piers dutton then of hatton knight & now owner of this house and hatton both depending cōtinueth before all the nobulls of the king' most honorable coun . . . all the jugs of this realme bi the space of vii yeres & above the same s^r^ piers was appioted heir malle & right inhrito^r^ of this howse & all duttons land' & so adiūgd bi t' right honorable awarde of t' most fam^ose^ prince king h viii under his brode seale allowed & cōfermed.'

It is difficult to account for the entire disappearance of the private chapel, together with the other sides of the quadrangle, while the portion of the house now remaining is so well preserved. The chapel may have been to the right of the entrance, as the remains of the oakwork, now papered over, forming the arches of what was probably an open-work roof to the upper story of that part of the house, seem to be of an ecclesiastical rather than of a domestic character.

Sir Peter Leycester, who married the eldest daughter of lord Gerard, and his lady, Eleanor, the heiress of Thomas Dutton, the last of the Duttons of Dutton, was often at Dutton hall in his time. His description of it (Ormerod, i. 642) is as follows:

'The manor-house of Dutton is well seated, and hath great store of meadowing by the river side belonging to the demesne, which is accounted the largest and best demesne within our county, comprehending 1,400 statute acres by survey.

'This house standeth upon a pleasant prospect to the opposite hills of the forest, and hath in it an ancient chapel, built first by sir Thomas Dutton towards the end of Henry the third's reign, unto whom Roger de Lincoln, then prior of Norton, and the convent there, gave . . . free liberty of reading divine service,

* This word had been read as 'translations'; but sense could not be made of it until Mr. C. T. Martin, of the public record office, the authority upon the subject of ancient record abbreviations, to whom it was shown, kindly suggested that it is used in its old sense of alterations or changes.

or singing the same, so as the mother-churches receive no detriment either in their greater or lesser tithes. . . . This chapel of Dutton yet remains, and is now a domestic chapel within the manor-house of Dutton, unto which sir Piers Dutton of Hatton, after he was adjudged next heir-male to the lands of Dutton by the award of Henry the eighth, did annex his new buildings at Dutton, A.D. 1539, as appears by the inscription round about the hall of Dutton yet extant, adjoining those unto the chapel, and so making it as one continued building, before which time the old house stood a little distance from the chapel aforesaid. . . . Robert lord Kilmorey and dame Eleanor his wife came to live at Dutton even in our days, who beautified the domestic chapel at Dutton with handsome pews, and kept a chaplain in his house constantly, whereunto all the neighbourhood resorted every Sunday.'

The scene in the hall when in its original condition,* with its ancient fireplace, of which the stone reredos still to be seen in the outer wall measures 8 feet in height and 14 feet within the chimney, probably realized sir Walter Scott's description in the 'Lay of the last minstrel':

> 'The tables were drawn, it was idlesse all;
> Knight and page and household squire,
> Loitered through the lofty hall,
> Or crowded round the ample fire.'

Sir Piers himself, kept a retinue of fifty servants (sir John Done's complaint in 1537), and no doubt there were minstrels frequently there to complete the picture. We know from the life of John Bruen, the puritan layman (1560-1625) who was brought up in his uncle's family at Dutton hall, that at that time there were not only musicians and a 'chest of viols' kept in the house, but also a dancing-school there (which old families seem to have had, like a riding-school), into which being 'drawn by desire and delight,' according to his biographer, 'he profited so well in that kind of youthful activity that he did not only please himself too much, but his parents also more than was meet with those tricks of vanity.'

Thomas Dutton, of Sherborne, was, it may be supposed, often at the old homes of Dutton and Hatton. He evidently maintained friendly relations with his kinsfolk in Cheshire, as one of them in 1558 appointed him, after he had settled at Sherborne, as an overseer of his will. Thomas Dutton, in his own will, particularly mentions that he came and descended out of the house of Dutton in Cheshire, which is the only instance that has been met with of any such allusion to the ancestral home.

* It appears to have measured about 42 feet long by 21 feet wide, and about 25 feet high to the roof. It is alluded to in Parker's 'Domestic Architecture in England' (1859, ii. 219) as still having its 'original rich timber roof'; and the house as having been 'a very fine timber mansion of the time of Henry VIII.'

View of the gallery leading to the bedrooms at Dutton hall showing a portion of the roof timbers of the old hall.

III.—THE CHESHIRE MINSTRELS

THE DUTTON JURISDICTION OF LICENSING THE MINSTRELS OF CHESHIRE—ITS ORIGIN—THE LAST OF THE DUTTONS OF DUTTON PROHIBITS SUNDAY PLAYING—FAMILY BRIDAL PARTY ATTENDED BY MINSTRELS IN 1539—CEREMONY OF LICENSING AS USED BY LORD KILMOREY IN 1642—SERVICE IN ST. JOHN'S CHESTER—'GOD BLESS THE KING AND THE HEIR OF DUTTON'—THE MINSTREL COURT—ITS RECORDS.

THE Duttons of Dutton exercised a curious jurisdiction over the minstrels and other vagrants of Cheshire, which was granted by the constable of Chester to Hugh de Dutton, fourth in descent from Odard, about the end of the reign of king John. Leycester gives the following account of the origin of this custom in connection with Randle, who was the third earl of Chester. 'This Randle, among the many conflicts he had . . . was distressed by the Welsh, and forced to retreat to the castle of Rothelent in Flintshire, about the reign of king John, where they besieged him. He presently sent to his constable of Chester, Roger Lacy, surnamed Hell, for his fierce spirit, that he would come with all speed and bring what forces he could to his relief. Roger, having gathered a tumultuous rout of fiddlers, players, coblers . . . both men and women out of the city of Chester (for 'twas then the fair-time in that city), marched immediately towards the Earl. The Welsh, perceiving a great multitude coming, raised their siege and fled' (Ormerod, i. 36). The earl thereupon gave him the control of the fiddlers, shoemakers, and others, which right, so far as the fiddlers and other vagrants were concerned, the constable transferred to Hugh de Dutton and his heirs. The custom gradually became one of licensing the musicians of the county, for which purpose the family representative annually held a court at Chester in state on St. John the Baptist (midsummer's) day, when the suitors rendered four bottles of wine and a lance, and each minstrel had to pay 4½d. for the renewal of his license. In later times the fee for renewal was 2s. 6d. The last court was held in the year 1756. The right was questioned by the crown by the usual writ of *Quo Warranto* and admitted; and it is invariably recognised in the successive acts of parliament relating to vagrants (Statutes of the realm, 14 Elizabeth, etc.). It is still supposed to be vested in the heir general of the Duttons. Thomas Dutton, the last of the male line owners of Dutton (1569-1614), coming under the religious influence of his nephew, the noted puritan John Bruen, prohibited

'piping and dancing' on Sundays, and granted his licences with such restriction accordingly. An allusion to the licensing ceremony is given in the Chester annals for the year 1539 (Ormerod, i. 654): 'In this mayoralty Matthew Ellis of Overlegh, and Thomas Browne of Netherleigh, within the precincts of the city of Chester, having each married a daughter of sir Piers Dutton of Dutton, the two weddings were kept at the same time and with much festivity at Dutton hall, from whence the gentlemen brought their brides on Tuesday, the 24th of June, which being the feast of St. John the Baptist, and the day upon which the minstrelsy of the city and county are annually licensed at Chester by the lord of Dutton, the company before-mentioned were met on their return from Dutton hall by Flookersbrook bridge by the steward of Dutton, attended by the pursuivant and standard-bearer of that family, each properly habited and having the insignia used at that midsummer solemnity, preceded by all the licensed musicians with white scarves across their shoulders, ranked in pairs, and playing on their several instruments. This procession marched before the gentlemen and their guests quite through the city to their respective mansions, where plentiful entertainment was provided.' The following is a description of the licensing proceedings as conducted in the year 1642, when the manor of Dutton had passed to viscount Kilmorey (Ormerod, i. 654). The spelling is here modernized:

'The manner of the solemnity of the licensing of the Cheshire minstrels as it is used at this day, viz., 1642, June 24. First the lord of Dutton or his deputy rideth up with many gentlemen of his friends and acquaintances (having a banner displayed before him and a drum and trumpet) until they come a little above the east gate in the city of Chester, where there is proclamation made in the street before the said heir or his deputy sitting on horseback as followeth:

'The form of the proclamation:

'"Under the royal grace of the king's most excellent majesty and his most honourable council, the right honourable lord viscount Kilmorey, lord, leader, conductor (and under his highness) protector of all and every musicians and minstrels whosoever either resident or resorting within or to the county palatine of Chester and within or to the city of Chester, by virtue and authority of the ancient art, custom, pre-eminence and special royalty of the predecessors of the manor of Dutton. Straitly chargeth and commandeth all and every the said musicians and minstrels and other whosoever acknowledging, using, and professing the noble art, worthy science, and high mystery of music and minstrelsy within the said counties or either of them, to approach this public place and attend this public proclamation and publicly here to draw forth their sundry instruments of music and minstrelsy and to play here before the said Robert viscount Kilmorey or his deputy, here publicly unto the accustomed place in dutiful manner and order customably used by his predecessors beforetime, so long that the memory of man cannot witness to the

contrary, which royalty hath been always annexed and resigned to the said ancient predecessors of the manor of Dutton, and now come unto the said Robert viscount Kilmorey in right of dame Eleanor now wife of the said Robert viscount Kilmorey, and sole daughter and heir of Thomas Dutton, late of Dutton aforesaid, esq., deceased and her heirs, as parcel and portion of her inheritance, and in like good, dutiful order to return from the said place, playing upon their said several instruments unto the court house and there to make their several appearances, also to do all other such homages, duties and services as by virtue thereof belongeth to the aforesaid court of the said Robert viscount Kilmorey, and from thence in like good order playing upon their said several instruments to his lodging and not to depart without license. This omit you not as you will at your perils abide the displeasure of the aforenamed Robert viscount Kilmorey, the rebuke of the court, forfeiture of your instruments and imprisonment of your bodies. God save the king's majesty, his most honourable council, and the lord of Dutton, and send us peace, Amen!"

'The proclamation being ended, the said heir of Dutton or his deputy rideth down in like solemn manner unto St. John's church in Chester, all the minstrels attending and playing on their several instruments before him. As soon as they come unto the said church of St. John's, the said heir or deputy alighteth from his horse and goeth into the said church, and all the gentlemen likewise that in goodwill accompany him, seating themselves in the chancel thereof, in which place a set of the loud music upon their knees, playeth a solemn lesson or two, which ended they arise up with this congratulation:

'"God bless the king and the heir of Dutton!"

and so the deputy returneth in like manner as he came unto the place where the court is kept. As soon as he is come, he sits awhile to hear the court called, which in the court rolls is called "Curia Minstrelsie," etc. And then the steward of the court called the suitors one by one, and after the appearance made, impanneleth a jury, and so proceedeth to his charge, which consisteth of these heads: First, if they know of any treason against the king or prince, in that court they ought to present it. Secondly, if any hath exercised his minstrelsy without the licence of the lord of this court, or by any other licence than from the lord of this court, it is here presentable; and whether any of them have profaned the Sabbath by playing upon that day unless they have had especial licence for it from the lord of that court or his steward, or whether any of them hath been drunk or the like. Thirdly, whether they have heard any scandalous words tending to the prejudice of the heir of Dutton and by whom, the jury is here to present it, and also to present the default of all such suitors as ought to have appeared that day.

'The charge being given, the deputy goeth out of the court to dinner, which is provided for him and what gentlemen he shall please to invite. At the close of all after dinner (when the court is over) one of the order delivereth upon his knee

the pole or lance, whereon the banner was carried, unto the deputy, which is his due, so that every year there is a new lance, but the banner is preserved. Note also that everyone exercising the art of music in this county doth or ought yearly to renew his licence, for which he payeth unto the steward 2s. 2d. (in 1666, 2s. 6d.), and those who are upon the jury the year before do the next year after wear long linen towels over their shoulders in manner of a scarf, to signify they were elected on the jury *et sic de ceteris.*

'This is the manner as it is solemnized at this day, yet perhaps in part altered from the first institution in point of ceremony, for I believe anciently only a court was kept for the preserving of the authorities and no more ado.'

The *Quo Warranto* taken in 1499, by which the crown challenged the right of the Duttons in this curious jurisdiction will be found in the appendix. In the obituary notice of sir John Dutton, the last baronet of Sherborne, in the *Gentleman's Magazine* for 1743, the minstrel jurisdiction is mentioned in connection with the family.

IV.—THE DUTTON BURIAL-PLACES

EARLIER GENERATIONS BURIED AT NORTON PRIORY — SIR LAURENCE DUTTON'S WILL IN 1392 — A RED QUILT TO GREAT BUDWORTH CHURCH FOR VESTMENTS — CHAPELS AT DUTTON AND POOSEY — DUTTON CHANTRY AT WARRINGTON — DUTTON BURIAL-PLACE IN THE LADY CHAPEL OF GREAT BUDWORTH CHURCH — SIR PETER LEYCESTER'S DESCRIPTION — THE FIGURE OF OUR LADY BURNT IN THE VICARAGE OVEN IN 1559 — A QUESTIONABLE RIGHT — THE ARLEY CHAPEL — CHURCH NOTES TAKEN IN THE DUTTON CHAPEL IN 1568 — LADY WARBURTON'S LINES TO HER HUSBAND.

THE burial-place of the earlier generations of the Dutton family previous to the Reformation appears to have been at Norton priory in Cheshire, to which the church of Great Budworth, then the parish in which Dutton was situated, belonged. Sir Laurence Dutton, of Dutton, knight, in his will executed in 1392, desires to be buried there. Leycester gives the following summary of sir Laurence Dutton's will: 'His body to be buried at Norton, and gives his black horse before his body to the convent of Norton for a heriot; also sixteen torches and five tapers about his body on the burial day, with sixteen poor men in gowns to carry the lights, also ten marks to the poor and £30 for sufficient chaplains to celebrate for his soul the next year, two in the parish church of Budworth, and four others in the chapel of Dutton.' He also bequeathed 'one red quilt of silk to Budworth church to make vestments while it lasts, also to the four orders of religious brethren at Chester and Warrington to each convent twenty shillings' (Ormerod, i. 648). The chapel at Dutton, added about 1276, was never used as a place of sepulture, nor in early times were christenings conducted there. The earliest Dutton baptism upon record is of Hugh, son and heir of sir Hugh de Dutton, who was born December 8, 1276, and baptized at Great Budworth church the following day (Chester plea roll, 26 Edward I., m. 11d.). There was also a chapel at Poosey, near Dutton, respecting which Hugh de Dutton in 1315 sued the prior of Norton for not maintaining a chaplain and lighted lamp there (Ormerod, i. 646). They also appear to have had a burial-place at Warrington priory, upon the border of Lancashire and Cheshire, where in 1379 sir Thomas Dutton, of Dutton, knight, founded a chantry, with a priest perpetually to pray for the soul of sir Thomas and his family, including his wives' parents, at the great altar there yearly for ever; and their names to be enrolled in the convent's martyrology (Ormerod, i. 646). Of the Hatton branch of the family several were buried in the parish church of Waverton, of whom particulars will be found in the appendix.

The principal burial-place of the Duttons of Dutton was in the Dutton chapel, anciently the lady chapel of Great Budworth church, where, according to the church notes taken in 1568, and given in facsimile, they placed a window in 1526; but as it was the lady chapel, they may not have buried there previously to the Reformation. It is evident that the chapel has always been best known as the Dutton chapel, although others appear to have had the right of sepulture there, and it is still shared by the owner of Dutton, the Smith-Barrys of Marbury hall, and the Leycester family. Sir Peter Leycester mentions that his ancestor, 'Piers Leycester, in his will bequeaths his body to be buried in his chapel of Great Budworth. This chapel anciently was styled our lady Mary's chapel, but of late times Dutton tenants have styled it Dutton chapel and Leycester's tenants styled it Leycester's chapel, for both have right of burial there. Leycester's part of the said chapel is separated and railed out from the rest, and is now entire within itself as a distinct chapel of itself. In this lady Mary's chapel aforesaid was anciently the image of the virgin Mary cut in wood, curiously trimmed and decked, her shoes gilded, and hair fastened on her head, set on a frame of wood about two feet high. But these idolatrous images were removed out of all the churches of England upon reformation of religion,' and 'this of Budworth was taken down, hewed in pieces, and burned in the vicar's oven about A.D. 1559, by command from queen Elizabeth' (Ormerod, i. 621). The chapel itself entirely occupies the spacious northern transept of Great Budworth church, from which it is divided by an iron grille (not the railing alluded to by Leycester, which has disappeared), curtained over, where, with the exception of two ledger slabs upon the floor, it is kept empty and useless, when it would at least make an excellent vestry for the church. As it was anciently the lady chapel, should it not still remain open and available for the service of the church? The following are the church notes taken by Randle Holme in Great Budworth church, particularly in the Dutton chapel, in 1568, from Harleian MS., No. 2,151, in the British museum. None of the Dutton memorials and few of the others there recorded, now remain, which may perhaps be partly accounted for by the church having twice undergone 'restoration.'

The Arley chapel referred to in the following notes is upon the south side of Great Budworth church, and opposite to the Dutton or ancient lady chapel, and, unlike the latter, was evidently erected for the purpose of a mortuary chapel, probably when the church was built.

'Greate Budworth Church,

'año dñi 1568.

'In Dutton chappell.

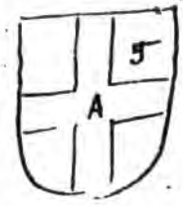
'In a window on the north side these coates following.' Then follow seven trickings of arms. (1) 'St. Geo: (2) Montealte.' (3) Arms not named, but tricked as *gules a cross argent.* (4) 'Pi' (Pulford). (5) 'Rishall. (6) Hadock.

Greate = Budworth Church
ano dñi 1568.

In Dutton Cyappell.
in a Window on the north side these coates following

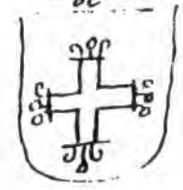
Dutton

montalto



p.

Riggall



Hodock

this coate in the saute side in two glasses

Leicester. Professor. Pulford.

In an other window of the same Cyappell this monument in glasse with the writting under it.

Dominus et Johanna uxor eius Quarum

In Dutton Chapell.

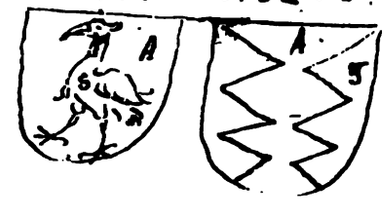
orate p aia Rome Dutton ꝑ:

another plate in the Chancell window this subscription.

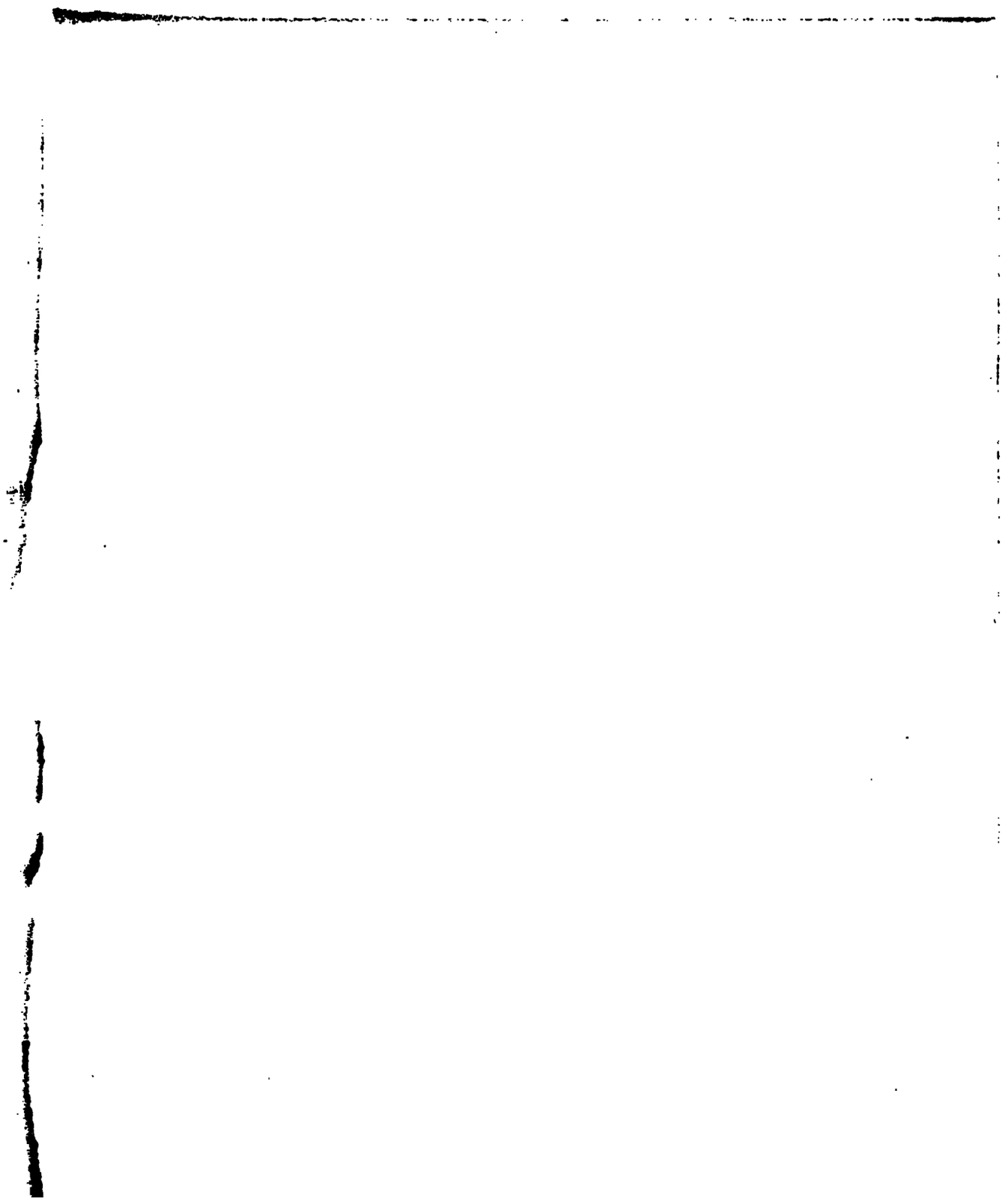
orate p anim Dñi Johannis Warburton mil. et Elline ux ejus fil et hered Winnington.

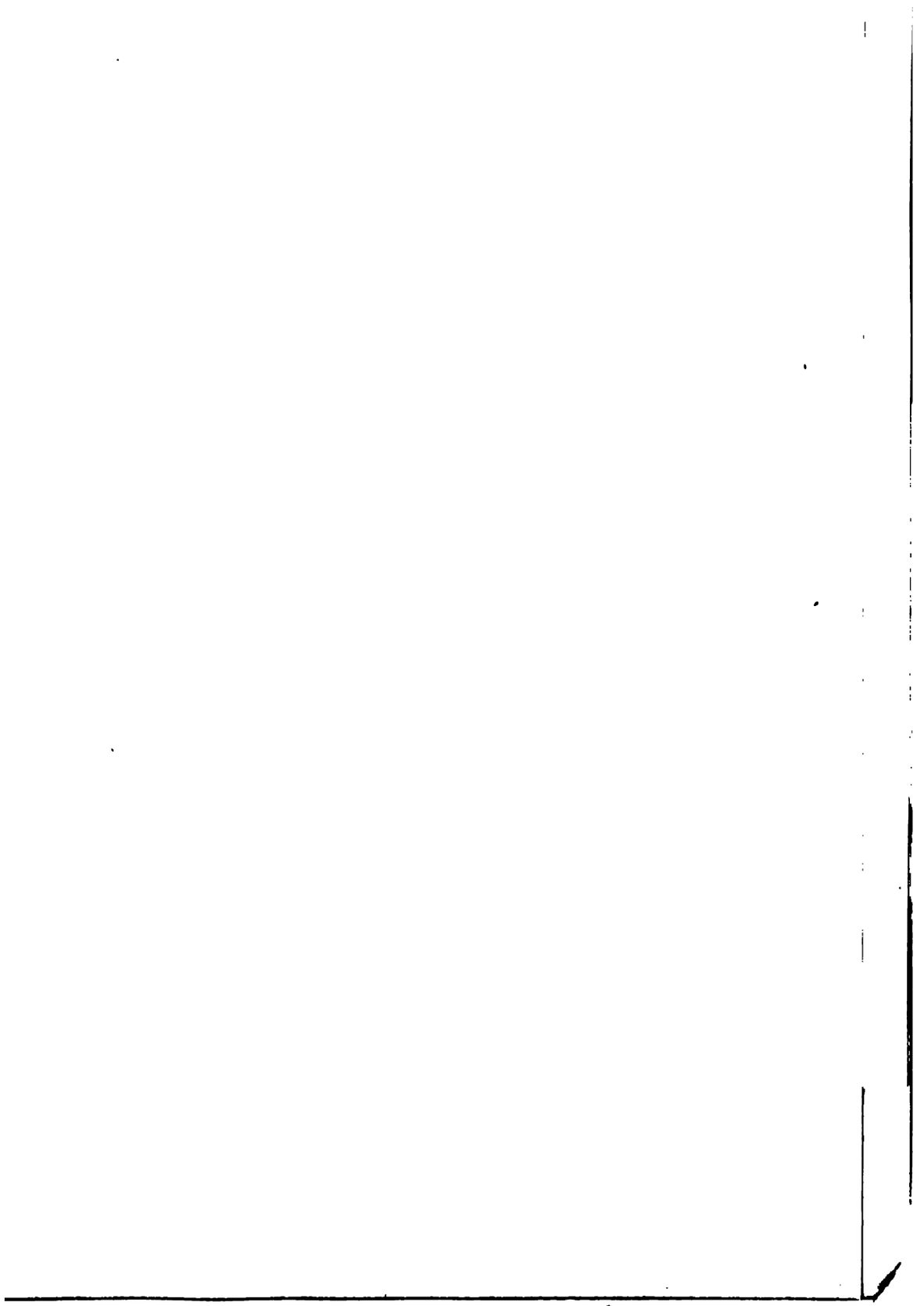
upon a monument in the Chancell

Richard Starkey of Stretton & Alice his wife, wch Richd died the 3 day of Feb. 1465: & the said Alice died the last day of Sept. ano. Dñi 1472.



Facsimile of the heraldic church notes taken by Randle Holme, principally in the Dutton chapel of Great Budworth church, in the year 1568. (From Harleian MS. 2151, folio 71, in the British Museum.)





(7) Leicester, Grosvenor, Pulford.' Together in one shield, with this note above: 'This coate on the south sid in new glasse.'

'In another window of the same chappell this monument in glasse with the writting under it.' Then follows sketch of kneeling effigies, six male and five female figures, with the Dutton arms tricked between them and this inscription: '*Orate pro aiābus Laurentii Dutton Armig' et Katherine et Johanna uxorum suarum qui hanc fenestram fieri fecerunt anō.* 1526.' Then follows a sketch of a charger with heraldic trappings of Dutton arms inscribed. 'In Dutton chapell. *Orate p'aia Thome Dutton*,' etc. Beside it, separated by a line: 'Upon a monument in the chancell. Richard Starkey of Stretton & Alice his wife, w^ch^ Ric. dyed the 3 day of feb. 1461. & the said Alice dyed the last day of Sept. an'o dn'i 1452,' followed by two trickings of arms. 'Another plate in the chancell window this description: *Orate p' aiabz dn'i piers Warb'ton mil' et Elline ux' ej's fil' et hered'* . . . *Winnington*.' Upon the second page of the facsimile:

'In the south side of the body of the church was this coate and crest with helmett and mantle,' followed by tricking of arms. 'In 2 windowes on the north side are these coates,' followed by three trickings of arms of 'Nigill Bar: of Hatton,' one unnamed, but of Norton Priory. 'Hatton-Dutton' with 'This windowe was made by Roger Hall, Abbot of Norton,' beneath the two first trickings. 'In the east window in the body of y^e^ Church,' followed by a tricking of arms with crest. 'In Dutton chappell on the east side of it the Hatchments of Tho. Marbury of Marbury, Esq^r^., who died 27 Jan. 1667,' followed by a tricking of coat and crest with motto '*vita in morte*.' 'In the south windowe this monument with the writting under it,' followed by nine kneeling effigies, four male and five female, with inscription beneath, '*Orate pro bono statu Petir Warberton Armigeri et Elizabethie ux'is ejus.*' Separated by a line follows: 'In Arley Chappell or that Chappell w^ch^ belongs to Mr. Warberton of Arley are these Armes in the east window betweene a man in his coat with 3 sones after him and his wife with five daughters after her with this writting,' followed by trick of arms, helm, crest, and mantling, and beneath it, '*Orate pro animabus . . . Warberton militis et Johane uxoris ejus qui hanc op'is vitram fiere fecit.*' Upon second column of facsimile 'In the south windowe a man in coate armour as the other with this writting under him pray for the soule of S^r^ John Warberton. This coates quarterly with the crest was painted on the wall of the said chappell about the yeare 1570,' followed by trick of arms with crest, helm, and mantling.

The Dutton arms also appear carved upon the stone capital of one of the columns in the church opposite to the lady chapel, and immediately above the exterior of the west door of the tower, with the arms of Warburton and Nigel beside it and in other places upon the tower. It is a very fine church, built of red sandstone, and standing upon an eminence. It is thus alluded to by Webb in Ormerod's 'Cheshire' (i. 410): 'Let us come to the stately church of Budworth, loftily advancing herself, as it were, to see how far her own limits do extend, we find

it a fair and beautiful church. And in the same, besides a fair chapel built by the ancestors of the house of Dutton and Leycesters of Tabley and serves especially for their sepultures there to be.'

Piers Dutton, of the Newborough in the parish of Great Budworth, in his will, executed in 1558, desire to be buried in the chapel of our lady adjoining to the parish church of Budworth. He appointed 'Thomas Dutton of Sherborne, in Gloucestershire, esquire,' as an overseer of it.

One of the most interesting memorials now remaining in Great Budworth church is that in the Arley chapel to sir George Warburton, of Arley, in 1676, containing the 'singularly beautiful lines' (Ormerod, i. 608) supposed to have been written by Diana, his wife. About the year 1757 they were, it is said, on account of their 'warmth and expression,' erased from the tablet at a time when Fielding's works formed the delight of family circles; but fortunately a copy had been preserved in the Cole MSS. in the British museum, from which a later family representative had them restored to the monument. Sir George was fifty-one years of age when he died and Diana was his second wife, by whom he had five sons and eight daughters. As the Warburtons were originally Duttons, the elegy may suitably be given here:

'Dearest of husbands, whose fair life records
What honour, love or virtue best affords,
To me beyond compare, dearest of dears,
Sleeps in this tomb, his soul above the spheres,
Is winged aloft, whilst I in sable sit
Sighing till mine also consort with it.
But ah! what rhetoric can express my loss,
Thou wearest the crown, thy Di. must wear the cross.
Only thy presence can afford relief
To this sad heart oppressèd thus with grief;
That were a sovereign cordial, but thy Di.
Must rest contented with thy memory.
Nay, death itself shall us two never part,
For my dear George still lives in Di.'s chaste heart.
Vain world, farewell! Dead to delight am I
Till my dear George embrace his own dear Di.
In those elysian fields, whose purest bliss
And Sharon's rose sweet Jesus ever is.
Rest, precious soul, whilst I do weep and pray
And wait and long for that thrice glorious day.
Love no delay admits, let me expire,
I live in patience, but die in desire.'

Lady Warburton survived her husband for seventeen years, 'in an unmarried state with true mourning, fasting and prayers,' according to the inscription upon her monument at Chester (Ormerod, i. 320).

V.—SIR PIERS DUTTON, OF DUTTON AND HATTON

DIED 1545

LORD OF DUTTON AND HATTON—WON THE FAMILY LAWSUIT FOR HATTON—THANKED BY HENRY VIII. FOR HIS SERVICES IN SUPPRESSING THE INSURRECTION AT NORTON ABBEY—HIS CORRESPONDENCE—MONASTERIES AND THEIR SUPPRESSION—COURT OF AUGMENTATION—CHARGES BROUGHT AGAINST SIR PIERS.

SIR PIERS DUTTON, 'lord of Dutton and Hatton,' received his knighthood from Henry the eighth, it is said, in 1527. Owing to the failure of the direct male line of Dutton, he became heir to Dutton and Hatton, and also won the great law-suit against the coheiresses of Hatton, confirmed by act of parliament in 1534. At the suppression of monasteries, he was appointed one of the commissioners for the abbey of Vale Royal, and, as sheriff of Cheshire, he rendered such service in quelling an insurrection at Norton abbey, at its dissolution, that he was personally thanked by Henry the eighth. Some of his correspondence with the king and the great officers of state is preserved in the public record office and the British museum. The description which he wrote to the lord chancellor of the insurrection at Norton abbey, which was shown to the king, is most interesting; and his letters are altogether excellent. They are here printed in modern spelling.

It is said that sir Piers derived great gains from his office as commissioner in connection with the suppression of the monasteries, and that he was outlawed. If so, he did not possess any monastic lands, or other than his inheritance at his death; nor was he removed from his office; and there is no official record of his attainder. It is supposed that he was outlawed in 1537, when the complaints were made against him; but he was then a commissioner, and in 1539 he commenced the building of the hall at Dutton; nor was he an outlaw at the time of his death in 1545. It is perhaps a common idea that those who acted in an official capacity at that time made a dishonest use of their opportunities, but the court of augmentation was specially established for requiring a strict account from such officials. This is curiously illustrated in the case of the manor of Sherborne, in Gloucestershire, acquired in 1551 by Thomas Dutton, a collateral descendant and, in part, contemporary with sir Piers. It was the chief manor appertaining to the abbey of Winchcombe, and in 1533, in anticipation of the suppression of such

places, the abbot, prior, and twenty-three monks leased it for ninety years to sir Thomas Alleyn at a peppercorn rent, when it was their most valuable and important possession. They did not disclose the amount, nor make any account of the money received for it, said to be for a 'great sum,' which they evidently shared between themselves. The court of augmentation, therefore, attempted to set aside the lease, but without result, and the king even offered £1,400 for it, which the lessee refused. The court, however, made the lessee's heir pay 1,000 marks for the reversionary interest of the crown before he could convey it in fee simple to Thomas Dutton. Many families were, no doubt, enabled to establish themselves at that time when so much landed property came into the market, as previously, except when there was an attainder and forfeiture, such as that of the great duke of Buckingham, in 1521, land was difficult to get. It will be found, except perhaps in the case of grants to royal favourites, that the court of augmentation looked very strictly after the interest of the crown in all transactions relating to monastic possessions.

The charges brought against sir Piers by the Dones, Breretons, and others in the county are given in the appendix. Perhaps the most serious of what a modern writer describes as the 'enormities' (Ormerod, ii. 794) which he committed, considering the stringency of the forest laws, was his having killed deer in the king's forest near Dutton, and with fifty of his servants prevented sir John Done's servants from bringing in a stag that was 'straying' from the forest; but it was admitted that he claimed to be ranger of the forest. The other charges are of packing juries, although on one occasion it is evident that he prevented others from doing so; and of his having obtained a special form of writ to exempt him as sheriff and his servants from legal process and annoyance. There is also a long account of his proceedings with Peter Fieldy, a coiner who coined 'naughty crowns,' and whom sir Piers caused to be hanged as the best way of dealing with him.

Sir Piers Dutton to Thomas Cromwell, secretary of state.

Dated at Hatton, June 21 (1536?).

(From state papers, domestic, Henry VIII., vii. 368.)

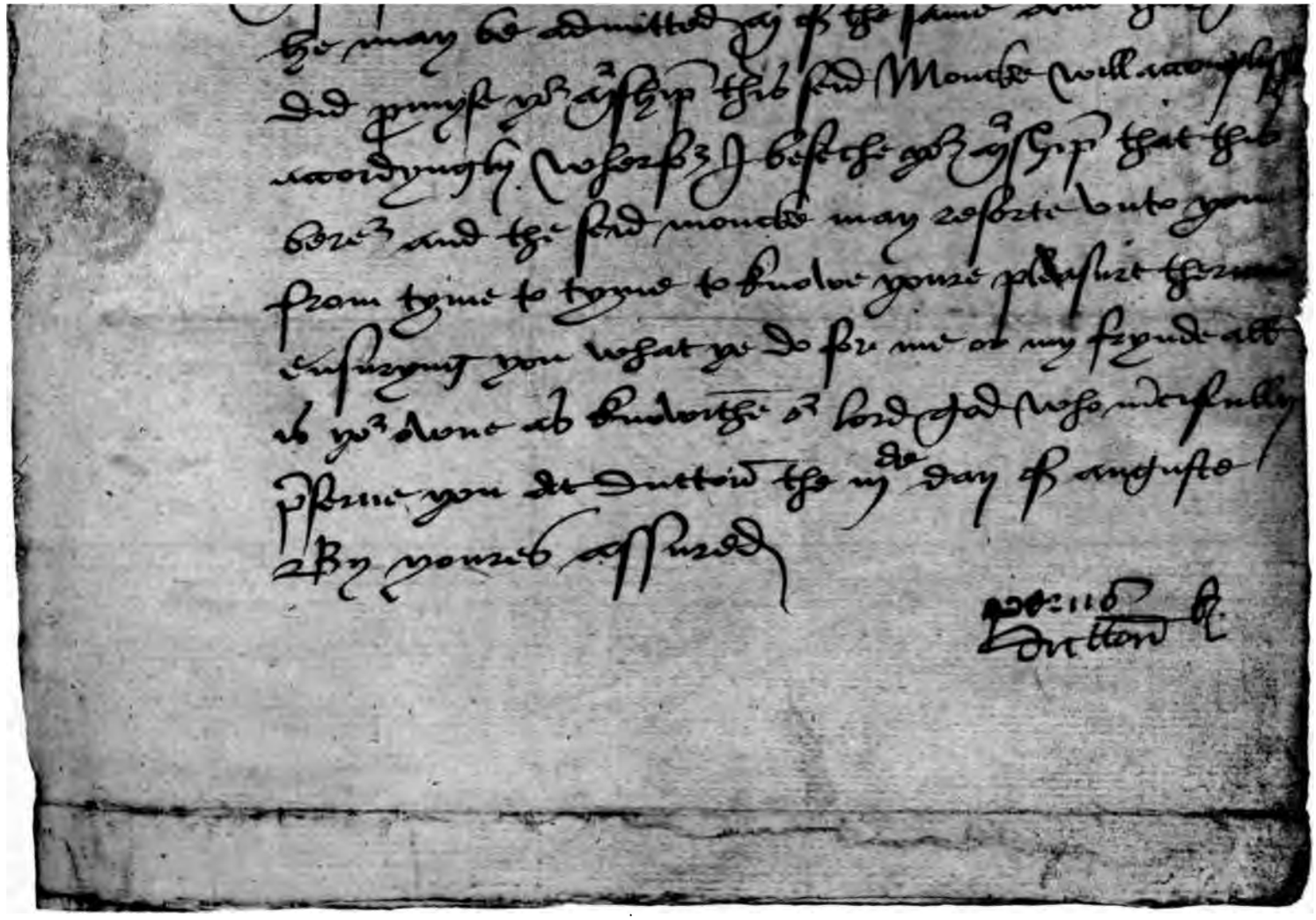
DEATH OF THE ABBOT OF VALE ROYAL—RECOMMENDS A MONK OF THE HOUSE AS HIS SUCCESSOR, WHO WILL GIVE £100 FOR THE PLACE.

'To master secretary, this to be delivered.

'My duty always humbly remembered unto your good mastership. Please it the same to be understood the abbot of Vale Royal within the county of Chester is lately deceased (whose soul Jesu pardon!), and in my poor mind there is a monk within the same house called Dan Randall Wilmslowe, which for his discretion

60 54

Please it your good lordship my duetie remembred that to
advertise you that I have taken the bodies of the abbot
of Norton, Robt Jamond and the stranger a conjo
Smythe two of the said abbotts sonnes also bound all bidden
bicom of the kings highnes of christ and Johan Gale
of christ indifferent and him kept in my custody and
keping. And the acte I entende to have as speedily as
I can and to be at your gode lordshipps commandement
commandement speedie as I possible may. Moreover I have
taught Jan Blondell forbidden the monke of the walle
royall to come up to you of whom I spake but your
lordship desire to a good religious man discrete and
well grounded in learning and hathe in my good grace
must apte to be a guide of a religious house then any
the monke of that house [illegible]



Facsimile of a letter written by sir Piers Dutton, of Dutton, knight, to Thomas, lord Cromwell (afterwards earl of Essex), notifying that he has arrested the abbot of Norton and others whom he will bring up with him. Dated at Dutton 3rd August (1536?). (From the original in Harleian MS. 604, folio 60, in the British Museum.)

and learning is the meetest and most able man to succeed the same abbot in his room of any, being within the same house; and to have you to be his good master for his preferment thereunto. He will be contented to give your mastership £100 in hand and further to do you as large pleasure as any other man shall. Wherefore it may please your mastership that I may know your pleasure, whether the monk shall repair unto you or not; and if any labour be made for any other person to put the same in a stay for a season, unto such time as I may speak with you myself, which I intend shall be hastily, God willing, who ever preserve you to his pleasure. At Hatton the 21 day of June (1536 ?*). By your own assuredly

'Perus Dutton kt.'

Endorsed: 'sir Piers Dutton.'

Sir Piers Dutton to lord Cromwell.

Dated at Dutton, August 3 (1536 ?).

(From Harl. MS., 604, fol. 60.)

ARREST OF THE ABBOT OF NORTON AND OTHERS—THE MONK RECOMMENDED FOR THE ABBACY OF VALE ROYAL IS SENT UP.

'To the right honourable and his especial good master, master Cromwell, secretary unto our sovereign lord the king.

'Please it your good mastership my duty remembered. These to advertize you that I have taken the bodies of the abbot of Norton, Robert Jannyns and the stranger a cunning smith, two of the said abbot's servants: also Randall Brereton, baron of the king's exchequer of Chester and John Hale of Chester, merchant and have them in my custody and keeping. And the rest I intend to have as speedily as I can and to be with you with them, God willing, in all convenient speed as I

* Sir Piers invariably omits the year in dating his letters, which makes their chronology puzzling. The year of the above letter is conjectured to be 1536. Cromwell was secretary of state in 1533, became master of the rolls October 8, 1534, lord privy seal July 2, 1536, baron Cromwell July 9, 1536, and earl of Essex April 10, 1539. He was beheaded July 24, 1540. The next letter, from its further allusion to the monk whom he had recommended, appears to be of the same year; and as Henry VIII.'s letters of thanks for the service sir Piers had rendered in connection with the arrest of the abbot of Norton, and which sir Piers describes in the next letter, are expressly dated October 19, 28 Henry VIII. (1536), the conjecture of that year for sir Piers' letters to Cromwell appears to be correct. It will be seen, however, that sir Piers still continues to address Cromwell by his 'mastership' in the next letter, dated August 3, and supposed to be of the year 1536, although Cromwell had become lord privy seal and baron Cromwell July 20 that year; but sir Piers may not have heard of that statesman's elevation when he wrote to him within a month following it.

possibly may. Moreover I have caused Dan Randall Wilmslowe, the monk of the Vale Royal to come up to you for whom I spake under your good mastership which is a good religious man discreet and well grounded in learning and hath many good qualities, most apt to be a master of a religious house than any other monk of that house. Wherefore it may please your good mastership to be his good master toward his preferment that he may be admitted master of the same. And that I did promise your mastership this said monk will accomplish accordingly. Wherefore I beseech your mastership that this bearer and the said monk may resort unto you from time to time to know your pleasure therein, ensuring you what you do for me or my friend all is your owne; as knoweth our lord God who mercifully preserve you. At Dutton the 3rd day of August (1536?). By yours assured

'PERUS DUTTON KT.'

Endorsed: 'sir Piers Dutton knight . . .
hath taken certain traitors.'

Sir Piers Dutton to lord Cromwell.

Dated at Dutton September 23 (1536?).

(From state papers, domestic, Henry VIII., xi., 486.)

ARREST OF JOHN HESEHAM FOR TREASON AND SEDITION IN QUESTIONING THE KING'S SPIRITUAL SUPREMACY.

'To the right honourable my lord privy seal, this be delivered.

'Please it your honourable lordship, that where heretofore the king's pleasure was by your commandment given unto me that I should take certain persons for suspect of treason, amongst whom one John Heseham was named and specified which John at that time fled out of this country that I could not meet with him and now is coming in again. And I therefore not only for that but also for divers traitorous and seditious words that he hath spoken, which was that if the spiritual men had holden together the king could not have been head of the church; and also that the bishop of Rochester and sir Thomas Moore died martyrs in the quarrel aforesaid. I have taken him and committed him to the castle of Chester, there to abide unto the king's pleasure and your's thereabout shall be ever glad to accomplish during my life, by the grace of our lord God who preserve your good lordship in honour long to continue. From Dutton the 23rd day of September (1536?) by yours assured.

'PERUS DUTTON, KT.'

Endorsed: 'sir Piers Dutton
23 September.'

Sir Piers Dutton to sir Thomas Audley, lord chancellor.

Dated at Dutton October 12 (1536?).

(From state papers, domestic, Henry VIII., xi., 681.)

THE COMMISSIONERS FOR THE SUPPRESSION OF NORTON ABBEY RESISTED BY THE ABBOT—THEY TAKE REFUGE IN A TOWER IN PERIL OF THEIR LIVES—SIR PIERS RESCUES THEM AND ARRESTS THE ABBOT AND CANONS.

'To the right honourable and my singular good lord sir Thomas Audley, knight, lord chancellor of England this be delivered.

'Please it your good lordship to be advertised Mr. Coombes and Mr. Bolles the king's commissioners within the county of Chester were lately at Norton within the same county for the suppressing of the abbey there. And when they had packed up such jewels and other stuff as they had there and thought upon the morrow after to depart thence, the abbot gathered a great company together to the number of two or three hundred persons, so that the said commissioners were in fear of their lives, and were fain to take a tower there and thereupon send a letter unto me ascertaining me what danger they were in and desired me to come and assist them, else they were never likely to come thence. Which letter came to me about nine of the clock in the same night upon Sunday last*; and about two of the clock in the same night I came thither with such of my lovers and tenants as I had near about me and found divers fires made there as well within the gates as without and the said abbot had caused an oxe and other victuals to be killed and prepared for such his company as he had then there; and it was thought in the morrow after he had come forth to have had a great number more. Notwithstanding I used some policy and came suddenly upon them so that the company that were there fled and some of them took poles and waters; and it was so dark that I could not find them; and it was thought if the matter had not been quickly handled, it would have grown to further inconvenience, to what danger God knoweth. Howbeit, I took the abbot and three of his canons and brought them to the king's castle of Halton and there committed them to ward to the constable to be kept as the king's "rebellious" upon pain of £1,000; and afterwards saw the said commissioners with their stuff conveyed thence and William Parker the king's servant who is appointed to be the king's farmer there restored to his possession. Wherefore it may like your good lordship that the king's grace may have knowledge hereof and that his pleasure may be further known therein which I shall be always ready and glad to accomplish to the uttermost of my power as knoweth our lord

* According to the date of this letter (October 12), and supposing it to be the year 1536, it was written upon a Thursday, so that 'Sunday last' would be October 8 that year.

God who ever preserve your good lordship with much honour. At Dutton the 12th day of October (1536 ?) by yours assured

'PERUS DUTTON, KT.'

Endorsed: 'sir Piers à Dutton showing the insurrection of the abbot of Norton made against the suppressors of his abbey and how he the said sir Piers rescued the commissioners and took the abbot and committed him to prison.'

Henry the eighth to sir Piers Dutton and sir William Brereton.

Dated October 19, 28 Henry VIII. (1536 ?).

(From state papers, domestic, Henry VIII., xi. 787.)

THANKS FOR SERVICES RENDERED—THE ABBOT AND CANONS, IF THE ALLEGATIONS ARE TRUE, TO BE HANGED.

'By the king,

'Trusty and well-beloved we greet you well and have as well seen the letters written by you sir Piers of Dutton to our right trusty and well-beloved councillor sir Thomas Audley, knight, our chancellor of England, declaring the traitorous demeanour of the late abbot and canons of the monastery of Norton, used at the being there of our commissioners for the suppression thereof and your wisdom policy and good endeavours used for the apprehension of the same, for the which we give unto you right hearty thanks and shall undoubtedly consider your faithful service to your singular rejoice and comfort hereafter. As other letters written from you sir William Brereton to our right trusty and well-beloved councillor the lord Cromwell keeper of our privy seal touching the same matter, for your good endeavours also, wherein we give unto you our right hearty thanks. For answer whereunto you shall understand that forasmuch as it appeareth that the said late abbot and canons have most traitorously used themselves against us and our realm and moved insurrection against the common quiet of the same, that if this shall appear to you to be true that then our pleasure and comandment is you shall immediately upon the sight hereof without any manner of further circumstance of law or delay cause them to be . . . hanged* as most arrant traitors in such sundry places as ye shall think ready and fit,† for the terrible example of all others hereafter. And herein fail you not to travail with such dexterity as this matter may be finished with all possible diligence.'

Endorsed: 'Copies of the letters of sir Piers à Dutton and to sir William à Brereton 19 October A° R. R. He. VIII., xxviii.'

* The following line is here cancelled in the original: 'indicted and straight thereupon arraigned and so without further tract put to execution.'

† Line here cancelled: 'setting up their heads and quarters round about the country.'

Henry the eighth to sir Piers Dutton and sir William Brereton.

Dated at Windsor October 20, 28 Henry VIII. (1536).

(From state papers, domestic, xi. 1212-2.)

TO THE SAME EFFECT AS THE PRECEDING LETTER.

'To our trusty and well-beloved servants sir Piers Dutton and sir William Brereton, knights and to every of them.

'By the king,

'Trusty and well-beloved, we greet you well and have as well seen the letters from you sir Piers Dutton to our right trusty and well-beloved councillor sir Thomas Audley, knight, our chancellor of England declairing the traitorous demeanour of the late abbot and canons of the monastery of Norton used at the being there of our commissioners after the suppression thereof, and your wisdom, policy and good endeavour used for the apprehension of the same, for the which we give unto you our right hearty thanks and shall undoubtedly consider your faithful service therein to your singular rejoice and comfort hereafter. As other letters written by you sir William Brereton to our right trusty and right well-beloved councillor the lord Cromwell, keeper of our privy seal, touching the same matter for your good endeavours also therein we give unto you our right hearty thanks. For answer whereunto ye shall understand that forasmuch as it appeareth that the said late abbot and canons have most traitorously used themselves against us and our realm, our pleasure and commandment is that if this shall fully appear to you to be true that then you shall immediately upon the sight hereof without any manner further circumstances of our law or delay cause them to be hanged as most arrant traitors in such sundry places as ye shall think requisite for the terrible example of all others hereafter. And herein fail ye not to travail with such dexterity as this matter may be finished with all possible diligence. Given under our signet at our castle of Windsor the 20th day of October the 28th year of our reign (1536).'

Endorsed: 'Copy of the king's direction to sir Piers Dutton to hang up traitors.'

Sir Piers Dutton to lord Cromwell.

Dated at Dutton November 30 (1536 ?).

(From state papers, domestic, Henry VIII., xi. 1212.)

'DECLARING WHY HE FORBORE TO HANG UP TRAITORS'—BLAMES SIR WILLIAM BRERETON.

'To the right honourable and my singular good lord the lord privy seal.

'My duty lowly remembered. These to advertise your good lordship where I heretofore received the king's most dread letters of commandment and high

pleasure to me and sir William Brereton, knight, in these parts, deputy chamberlain, directed of and concerning the traitorous demeanour of the late abbot and canons of the monastery of Norton by them used at the late being there of his grace's commissioners after the suppression thereof, as more at large may appear unto your good lordship by a copy of the same his grace's commandment herein enclosed and by virtue thereof incontinently after we had received his said grace's commandment, we appointed a short day then ensuing for the execution of the same his grace's commandment according to the contents thereof to have been done albeit immediately after and before the said day assigned we received sundry letters to us directed from the earl of Derby mentioning in effect a letter from the earl of Shrewsbury, lieutenant unto the king's grace, the earls of Rutland and Huntingdon, touching that the duke of Norfolk and they had stayed the commons of Yorkshire, charging the said earl of Derby in the king's gracious name to sparpole his company without doing any hurt or molestation to the said commons or any of them as more at large shall appear unto your good lordship by the copy of one of the same letters to me directed herein also enclosed* and thereupon in consideration of the same their doings we continued and respited the accomplishment of the king's said gracious commandment until his most gracious further pleasure to us therein were known determining ourself to certify his grace of the premises and made our letter of certificate accordingly, with my hand thereunto subscribed having the said evil doers and offenders in strait endurance of imprisonment within his castle of Chester, there surely to be kept to abide his gracious pleasure and afterward the said sir William Brereton denied that to certify; and I was always ready to execute the same according to the purport thereof what cause or mean he had so to refuse I know not. And for that, that the king's said commandment

* 'To my right well-beloved sir Piers Dutton, knight, sheriff of Cheshire. I commend me to you and have received a letter from the earl of Shrewsbury, the king's lieutenant, the earl of Rutland and the earl of Huntingdon by the hands of one Berwick, herald, in these words, "My very good lord. We heartily recommend us unto your good lordship. And whereas my lord of Norfolk and we that be here have stayed the commons of Yorkshire so that every man is sparpoled and retired home unto their houses and my said lord of Norfolk departed unto the king's grace. And as we be informed from my lord Darcy, your lordship with your retinue hath appointed upon Monday next coming to be at Whalley abbey, my lord the premises considered that all things is well stayed, we desire and pray you and nevertheless in the king's name charge you that ye sparpole your company without doing any hurt or molestation to the said commons or any of them. And that ye fail not hereof at your peril. And our lord have your lordship in his governance. Written at Doncaster the 28th day of October." Wherefore ye with your company may depart home to your own houses and to be ready to serve the king when ye shall be commanded. And I shall be a means to the king's grace to consider your pains, costs and good minds that ye have been at to serve his grace. Written at Preston the 30th day of October (1536 ?). Your loving friend

'E. DERBY.'

Endorsed: 'The copy of a letter sent from the earl of Derby to sir Piers Dutton.' (State papers, domestic, Henry VIII., xi. 1212.)

was to us both jointly directed to execute the same, I without him in no wise could "ne" yet can execute the same. Wherefore I would be glad to have knowledge of his most gracious further pleasure therein, that I may follow the same as to my duty appertaineth. Most meekly beseeching your good lordship that I may be ascertained thereof and I shall pray to God for his highness and your good lordship long to continue. At Dutton the 30th day of November (1536 ?). By your own assured

'Perus Dutton kt.'

Endorsed: 'Sir Piers Dutton declaring why he "forbare" to hang up traitors.'

Sir Piers Dutton to lord Cromwell.

Dated at Dutton December 15 (1536 ?).

(From state papers, domestic, Henry VIII., xi. 1310.)

AFFRAY BETWEEN MAINWARING AND CHOLMONDELEY—ATTEMPT OF THOMAS BRERETON TO PACK A JURY UPON HIS FATHER'S INQUISITION.

'To the right honourable and my singular good lord the lord privy seal, this be delivered.

'Please it your good lordship to be advertised, there hath been lately a great riot and insurrection of the king's subjects within this shire of Chester made and congregate together between sir Randle Mainwaring, knight, on the one party and Richard Cholmondeley, esquire, on the other party. The manner and doing of the same this bearer can show you, to whom it may please your good lordship to give credence and that I may know the king's pleasure in the same. Furthermore, I received a letter from your lordship delivered to me by Thomas Brereton, son of Randle Brereton, deceased, with certain names enclosed in the same to be impannelled upon an inquisition* to enquire of the death of the said Randle. Sir, the

* The writ to hold the inquisition is dated at Chester, July 2, 1536, but the inquisition was not taken until June 16 the following year. It was then taken before Brian Brereton, one of the grooms of the privy chamber, and escheator of Chester, by the oath of sir Thomas Fouleshurst, kt., sir Randle Mainwaring, kt., sir John Holford, kt., sir Henry Delves, kt., John Egerton, esq., Randle Mainwaring, esq., Charles Mainwaring, esq., Richard Bunbury, esq., John Bruen, esq., Thomas Broxton of Ravenscroft, John Hanky of Churton, John Leche of Carden, Roger Knutsford of Twemlowe, Thomas Cheswys of Mickle, Edward Frodsham of Elton, Hugh Davenport of Calveley, esq., John Aldersey of Spurstowe, John Spurstowe, esq., Roger Donnes, esq., and William Davenport, esq., jurors. They find that Randle Brereton died June 16, 1536, which determines the year of this letter; and that Thomas, the son, is aged twenty years and more. (Chester inquisitions, 28 Henry VIII., No 3.)

same persons which he would have had upon the inquisition were his near kinsmen and friends so that the king should have sustained great loss thereby and my conscience would not serve me to have made that return. Therefore I made stay therein until you were ascertained of the same. Wherefore if any suit be made unto your lordship therein that it may please you to consider the premises. And thus the holy ghost have you in his blessed tuition. At Dutton the 15th day of December (1536). By your own assured

'Perus Dutton kt.'

Endorsed: 'A tumult in Cheshire.'

Sir Piers Dutton to lord Cromwell.

Dated at Dutton, December 15 (1536 ?).

(From state papers, domestic, Henry VIII., xii., pt. ii., 1215.)

THANKS FOR FAVOURS, PARTICULARLY OF THE SHRIEVALTY — COMPLAINS OF SIR EDWARD NEVILLE'S PROCEEDINGS IN CONNECTION WITH THE STEWARDSHIP OF HALTON AND PRAYS RELIEF.

'To the right honourable and my singular good lord the lord privy seal, these be delivered.

'My duty always remembered unto your good lordship, with right hearty and humble thanks of your goodness to me many times to me showed and specially that it hath pleased your good lordship to have me in your good remembrance for the sheriffwick of Cheshire. Please it you to be advertized that after the king's grace had granted the office of stewardship of Halton to sir Edward Neville, his highness commanded the said sir Edward that I should have the exercising thereof wherein sith that time I have done as my duty in the best I could to serve his grace and as I think brought it into better frame than it was afore I meddled therewith; and have prepared more men in a readiness within the same office to serve the king's grace when they be commanded than hath been accustomed aforetime. And now lately I received letters from the said sir Edward whereby I perceive he is minded to sell the same office during the nonage of John Savage, his son-in-law, which is about the time of seven years as yet to come; and hath offers made by sir William Brereton to give him 100 marks sterling there for: whereof I marvel that another he or any other would give so much there for; and is but 100*s.* fee by year for so short a season, except it be for some other purpose than for any profit he should have thereby, so some of my adversaries would rejoice if I should be put from it so soon after my entry therein; and it would sound to my rebuke and be thought in these parts that I had committed some offence in the same. Wherefore in consideration that my house and manor of Dutton with the members of the same, do

stand within the precinct and circuit of the said office; and that I thereby have done and shall be more able to do his grace the better service, it may like your good lordship to move the king's grace herein and to prefer this letter herein closed to his grace that his further pleasure may be therein known, which during my life I shall be glad to accomplish to the uttermost of my powers, God willing, who ever preserve you. At Dutton the 15 day of December (1536 ?*) by your own assured

'PIERS DUTTON, KT.'

Endorsed: 'Sir Piers Dutton's letters written the 10th (*sic*) day of December.'

The following letter appears to be the enclosure referred to, although it is dated nearly a month later than the above.

Sir Piers Dutton to Henry the eighth.

Dated at Dutton January 7 (1536-7 ?).

(From Harl. MS., 283, fol. 14.)

RESPECTING THE STEWARDSHIP OF HALTON, AND SIR WILLIAM NEVILLE'S AND SIR WILLIAM BRERETON'S DEALINGS THEREIN.

'To his most dread sovereign lord the king's highness.

'Please it your most noble grace to have in remembrance, that after your highness had granted the office of stewardship of Halton to sir Edward Neville, your highness commanded him that I should have the exercising thereof wherein sith that time I have done according to my duty the best I could to serve your grace and as I think brought it into better order than it was afore I meddled therewith; and have prepared more men in a readiness within the same office to serve your grace when it pleaseth your highness to command them otherwise than hath been accustomed aforetime. And now lately I received sundry letters from the said sir Edward Neville, wherein he doth write unto me to pay him an 100 marks for the said office and I so doing should have the exercising thereof during the nonage of John Savage his son-in-law; and in case I would not do so I should not enjoy the same and I send unto him the said 100 marks according to his letter which he would not receive, by reason of such sinister labour and offers of money as sir William Brereton hath made to the said sir Edward to have it out of my hands, for what intent he would give so much and is but 100 shillings fee by year, for so short time God knoweth; and if I should so soon after my entry therein be put from it, it

* As Cromwell did not become privy seal until July, 1536, the date of this letter would be of that year or later.

would sound to my rebuke and my adversaries would greatly rejoice thereat: for it would be thought in these parts that I had committed some offence in the same. Wherefore it may like your most excellent highness, that your grace's pleasure may be therein known to the said sir Edward: that I may have and continue in the same office according to your most high commandment and the rather that I am contented to give him an 100 marks which was his own desire, as doth appear by his said letters. Graciously considering that my house and manor of Dutton, with the members thereof, stand within the precinct and circuit of the said office; and by strength thereof I have done your grace the better service and may be the more able so to do which God willing, during my life I shall accomplish to the uttermost of my power; and daily pray to God for the preservation of your most royal estate long to endure. At Dutton the 7th day of January now instant (1536-7?). Your most humble subject and servant faithful.

'Perus Dutton, kt.'

Endorsed: 'Sir Piers Dutton.'*

Sir Piers Dutton to the king's commissioners.

Undated.

(From state papers, domestic, Henry VIII., xi. 1106.)

SIR PIERS AND HIS UNDER-SHERIFF GO TO TOWN FOR THREE MONTHS—DISHONEST DEALINGS OF THE DEPUTY UNDER-SHERIFF IN THEIR ABSENCE—LIST OF VICTIMS.

'To the king's commissioners:

Showeth unto your noble lordships your orator sir Piers Dutton, knight, sheriff of the county of Chester, how that the same your orator sithence michaelmas last past, having business at London resorted thither and his deputy under sheriff with him named Ralph Mainwaring and came not home till it was within christmas last past and when your orator and his said undersheriff went to London the said undersheriff left one John Newall his clerk, to exercise the office and room of the undersheriff until their returns home which John Newall being a subtle person having the experience of that office and also having to him delivered the king's "streats" (escheats) of the amerciaments of the hundreds there under the seal of the exchequer, made out other streats as well against such persons as the king's duties were leviable upon as to certain other persons that ought to pay none and many of those that ought to pay did streate amore, some upon their heads than they ought to pay and delivered the said streats to the persons subscribed to levy the same so that there was levied and paid unto the said John Newall the sum of

* A facsimile of this letter is given.

14*l.* 5*s.* 7*d.* extortionately taken and received over and besides the king's duties as appeareth in a schedule hereunto annexed, the names of the persons that paid the same and the sum that any of them paid, which is to the great slander and rebuke of your orator and his undersheriff: he nor his undersheriff not being a consenting nor privy thereunto nor their deed. And for the declaration of the same your beadsman and his undersheriff in the premises, they being ignorant in that behalf. That it may please your lordships to command the said defendant being here present to answer and to be examined therein and upon examination thereof, if he be found guilty therein, that he may be punished according to his deserve and to make restitution to the parties to whom he had offended for God's love.

Ralph Mainwaring, the younger.

Ralph Sherman.	Thomas Sherman.
John Sherman.	William Mores.
Hugh Alen.	Hugh Dawson.
Thomas Dawson.	Thomas Barfote.'

VI.—ELIZABETH DUTTON, 'A WIFE, A WIDOW AND A MAID'

1597—1611

DIED A WIFE, A WIDOW AND A MAID—HER HUSBAND, JOHN DUTTON, KILLED ON THEIR WEDDING-DAY—BETROTHED AT THE AGE OF ELEVEN—JUVENILE MARRIAGES AND DIVORCES—JOHN DUTTON'S DEATH AT TARVIN—TARVIN CHURCH AND OLIVER CROMWELL'S CANNON-BALLS—THE DUTTONS EDUCATED AT BRUEN STAPLEFORD—ELIZABETH DUTTON'S EFFIGY IN LITTLE GADDESDEN CHURCH—HER GRANDFATHER THE LORD CHANCELLOR AND SHAKESPEARE — A CONJECTURE — SIR THOMAS EGERTON—DODLESTON—A CHESHIRE PROVERB.

THE state of Elizabeth Dutton at the time of her decease in the year 1611 as a wife, a widow and a maid, is explained by a tradition to the effect that while she and her husband, John Dutton, were returning on horseback from their wedding, the bridegroom's horse shied and threw him, killing him on the spot; and the poor bride afterwards died of grief. They were each about fourteen years of age at the time. The tradition is to some extent corroborated, but the occurrence could not have taken place on the day of the solemnization of their marriage, but rather upon the day of its consummation, which at that time in such juvenile marriages were distinct occasions.

John Dutton, the bridegroom, was the only son and heir-apparent of the Thomas Dutton who is known in this work as the last of the Duttons of Dutton, and John, together with his grandfather, also named John Dutton, were living at Dutton in the year 1606, when John the younger was formally betrothed by settlement, dated Jan. 30, 1605-6, at the age of eleven, to Elizabeth, eldest daughter of sir Thomas Egerton, who had died in Ireland, and grand-daughter of the lord chancellor Ellesmere, who was then living.

These early betrothals were, it appears, useful and necessary in two ways: they provided for the descent of the property, and in case of the death of the father while the heir was under age they anticipated the crown in the bestowal of the marriage of the ward. The feelings of the young parties to these arrangements do not appear to have been considered, so that as they grew up curious complications sometimes arose between them.

In the diocesan registry at Chester are two volumes of evidence taken before

View of the Monument to Elizabeth Dutton in Little Gaddesden Church, Herts, who died 'a wife, a widow and a maid' in the year 1611, aged 16.

the ordinary at the hearing of juvenile divorces resulting from these early betrothals. They include the divorce in 1565 between sir William Stanley and Anne Dutton, in which the witnesses testified that the parties were betrothed at the ages of twelve and ten years respectively, and were thereupon married in the private chapel of Hatton hall; that they had not cohabited or since met other than 'guestwise,' as after the betrothal Anne had dwelt at home at Hatton with her father, and William had been at school at Lathom and servant to the earl of Derby, and the marriage was annulled. In the same year occurs a similar divorce between Rowland Dutton and Margaret Stanley, who had been betrothed and married in the chapel at Hatton hall at the ages of nine and ten years respectively, but had since met only guestwise. A curious case of the kind is a suit heard in 1548, when the parties were betrothed when the bridegroom was only three years of age, and carried to church in his uncle's arms, who repeated the words of the service for him. As they grew up they disliked each other, and upon his declaring that he was bribed by his uncle with an apple to go to church with her the marriage was annulled.

John Dutton's marriage with Elizabeth Egerton was probably solemnized before the execution of the settlement in January, 1605-6, or certainly before the fine was levied (April 29, 1606) which conveyed the Dutton property to the uses of the marriage. The betrothal and solemnization of the marriage took place probably at Dodleston, about four miles from Chester, the church of the parish in which the lord chancellor Ellesmere resided, and where he is buried; or they may have been betrothed and married in the private chapel at Dutton hall. The parish register of Dodleston, and the duplicates of it which are at the diocesan registry at Chester, are alike defective for these years, so that the precise date of the solemnization of the marriage cannot be ascertained. Unfortunately, also, the records of marriage licences at the bishop's registry at Chester previous to July 18, 1606, are missing, by which date it appears that the marriage had been solemnized, as there is no subsequent record of any licence for it, although the entry of the marriage licence of John Dutton's sister with lord Gerard's son in 1609 is recorded there.*

It is probable that the ceremonies of betrothal, and the legal solemnization of such marriages, were quietly and privately conducted, and that the consequent rejoicings were reserved for the day of consummation, when the prospective bridegroom should have attained the legal age of fourteen years. Meanwhile the girl remained at home with her parents, while the boy was educated elsewhere.

Either in 1608 or in the year following John Dutton would be fourteen, and it was while bringing his bride home from Dodleston to Dutton upon the day of

* September 16, 1609. Marriage licence of Gilbert Gerard, esq., son and heir of lord Gerard and Eleanor, daughter of Thomas Dutton, of Dutton, esq. Special licence for any church within the diocese. 'Noe oath nor bond taken p' mandatū Judic', but Mr. Dutton of Dutton aforesaid his lrē remayneth upon the fyle of bonds to the same effect.' The marriage was solemnized at Great Budworth church the same day.

the consummation of the marriage that he met with the fatal accident of the tradition. From the evidence in the inquisition* taken upon oath in the following April after the death of the grandfather, John Dutton, who had died only ten days before his grandson was killed, it appears that John Dutton, the grandson, died at Tarvin February 9, 1608-9,† and according to the parish register he was buried there on February 11 following. Tarvin is on the direct road from Dodleston to Dutton, about five miles west of Chester, and the road along which the bridal party would pass. They would leave the main Chester to London road at Tarvin to follow what was then a cross-country road, and its condition at that time, and in the month of February, would be conducive to such an accident.

There is no memorial to John Dutton in Tarvin church (a fine old church with the traditional indentations of Oliver Cromwell's cannon-balls still visible in its outer walls; and who, as usual, is said to have stabled his horses within the building) and it is supposed that he was buried in the Bruen chapel, with its curious hatchments still to be seen there.

Had there not been so clear and continuous a tradition respecting the manner of John Dutton's death, it might have been supposed that he had died naturally while being educated in his relation John Bruen's house at Bruen Stapleford in Tarvin parish, where it appears he was sent for that purpose.‡ There is, however, a kind of further evidence in support of the tradition that he was bringing his bride home to Dutton on that occasion, as the inquisition which was taken a few weeks after his death states that she was then living at Dutton as his widow. The accident seems to have occurred at or near Tarvin (the inquisition states that he died there), and for some reason he was buried in the Bruen family vault, instead of being taken to his own family's burial-place at Great Budworth.

Mrs. Dutton, the bride, died at London October 2, 1611, aged sixteen years four months and twenty-one days, and was buried in the south side of the chancel near the communion-table in the church of St. Martin's-in-the-fields, Charing cross, the day following. Her estate was administered by her younger sisters, Mary and Vere, March 18, 1611-12. Her grandfather, the lord chancellor, by whom she had been brought up, her parents being dead, erected a monument with kneeling effigy above her grave, which, on the demolition of the church in 1730, was removed by the lord chancellor's descendant, the duke of Bridgewater, and re-erected against the south wall of the Bridgewater chapel in the church of Little Gaddesden in Hertfordshire. The tradition respecting her husband's death is well

* Inquisitio post mortem, Chester inquisitions, 7 James I., No. 3. This is the inquisition taken to ascertain the possessions of the deceased, and has no connection with a coroner's inquest. There appear to be no records of coroners' inquests between Henry VI.'s reign and 1625, such as are still taken in case of death by accident or violence.

† Burials. February 11, 1608-9: 'John sonne of Mr. Thomas Dutton of Tarvin.' Parish register of Tarvin, also in duplicate at Chester diocesan registry.

‡ It is perhaps remarkable that sir Peter Leycester does not allude to the fatality. He mentions that John died at Tarvin.

Lord Chancellor Ellesmere. D. 1617. (From a print.)

known at Little Gaddesden in connection with her monument, although the county historians do not notice it beyond printing the inscription upon it. The tradition is also known at Dodleston. A translation of the inscription upon the monument is as follows:

'Here is interred Elizabeth Dutton, eldest daughter of Thomas Egerton, knight, eldest son of Thomas Egerton, knight, who bears the office of lord chancellor of the great seal of England and baron of Ellesmere. She was the wife of John Dutton, of the most ancient family of the Duttons, in the county of Chester. But a wife, a widow and a maid. By a grandfather devoutly brought up, most excellent in comeliness, piety, and modesty. Her untimely death has sent her on before to the regions of the highest and most blessed (whither we all aspire) not without the tears of many. She died 2nd day of October, 1611, having lived 16 years 4 months and 21 days. The same most noble baron of Ellesmere, chancellor of England, a most indulgent and most sorrowful grandfather, has, in his love for his dearest granddaughter, placed this here.

'*A gratefull virgin once that did Inherit,*
With Nature's gifts, her father's generous Spirit;
Who, though of tender years, yet did excel
In Vertuous liveing and in dyeing well;
Here rests in peace, of whom it's truly said,
She liv'd true Spouse & Widow, dyed a maid.'

At each side of the monument, upon the pillars supporting the pediment, are two Latin elegiac lines, of which a free rendering is as follows:

'In beauty, in years, in piety, thou O sister Eliza! wert the first; and first thou ascendest the heavenly mansions.

'How brief a time all work however excellent, endures; both a father and this true image of a father teaches.'

At the foot of the monument upon a slab:

'N.B.—This Monument was first Erected near the Communion Table, in the Parish Church of St. Martin's in the fields, Westmins^{tr}, where lyeth the Remaines And on Pulling down the said Church was removed hither in the year 1730.'

It would be a bold conjecture to venture upon, that the poetry upon the monument was written by Shakespeare, yet there is a kind of probability for it. Although the Latin portion of the epitaph may have been written by the lord chancellor himself, or by his chaplain, the verse would be composed by someone of

acknowledged poetical skill, as the monument had to occupy a prominent position in an important London church. St. Martin's-in-the-fields, particularly St. Martin's lane, was then the fashionable part of town. John Dutton, of Sherborne, 'one of the richest men in England,' had a house there later. With regard to Shakespeare, it appears that when the corporation of the city desired to eject the stage-players from Blackfriars, it was by lord Ellesmere's decision in their favour that Shakespeare and his fellow-actors were allowed to remain there without further molestation. A copy of a letter from the earl of Southampton (Shakespeare's kind patron) respecting the interference of the city with the players on that occasion is still extant with the Ellesmere papers, addressed to the lord chancellor on their behalf. It represents the lord mayor and aldermen as 'never friendly to their calling,' and mentions two of the actors, Burbage and Shakespeare, 'both are right famous in their qualities,' the letter reads, 'though it 'longeth not of your lordship's gravity and wisdom to resort unto the places where they are wont to delight the public ear' (Collier's 'Shakespeare,' 1844, i. ccxxvi). Lord Ellesmere, however, would most probably know the 'Sonnets,' if not the plays, so that Shakespeare's excellence as a poet would at least be known to him.

Elizabeth Dutton had two sisters, Mary, who became lady Leigh of Stoneleigh; and Vere, who married William Booth of Dunham Massey. Their father, sir Thomas Egerton, died at Dublin while on military service with the earl of Essex in 1599. His body was brought over and buried in Dodleston church, and the font now partly rests upon his tombstone there. His funeral-service was held in Chester cathedral, and conducted with much pomp and ceremony, the earl of Essex, queen Elizabeth's unfortunate favourite, being present; and the funeral dinner was given at the bishop's palace. A description of the ceremony is in Harleian MS. 2,129, folio 67, with the soldiers trailing their pikes and the 'trumpet sounding dolefully.' His father, the lord chancellor, was twice married, sir Thomas being the son by his first wife. The chancellor's personal appearance is said to have been such, that many were attracted to the chancery court to see and admire 'his venerable presence' (Ormerod, i. 445). He was an illegitimate son of sir Richard Egerton,* of Ridley; and is said to have originated the Cheshire proverb, 'Frost and fraud end foul.'

* Sir Richard Egerton's sister married Fulk Dutton of Chester, grandfather of the sir Thomas Dutton who fought the duel with sir Hatton Cheke in 1610 (Harl. MS. 1,535, fol. 115*b*).

VII.—THE LAST OF THE DUTTONS OF DUTTON

1569—1614

THOMAS DUTTON, THE LAST OF THE DIRECT MALE LINE FAMILY OWNERS OF DUTTON—DEATH OF HIS ONLY SON AT THE AGE OF FOURTEEN—THE DUTTON PROPERTY PASSED IN MARRIAGE TO THE DUKE OF HAMILTON—SERMON PREACHED AT THOMAS DUTTON'S FUNERAL—BIOGRAPHICAL ALLUSIONS—'VOLUBILITY OF SPEECH'—OPEN HOUSE AT DUTTON—MAINTAINS A PREACHER THERE—THOMAS DUTTON'S DYING UTTERANCE AND DEATH.

THOMAS DUTTON, the last of the direct male line of the Dutton family owners of Dutton,* and twentieth in descent from Odard, was the fourth and eldest surviving son of John Dutton of Dutton, esq., who died in 1609, a few days before his grandson, John Dutton (Thomas Dutton's son and heir), is said to have been killed at Tarvin. Thomas Dutton's wife was a widow at the time of his marriage with her, and she married a third husband after his decease. Her parentage and alliances are recorded in Ormerod (i. 651). By her he had the son John who was killed at the age of fourteen in his father's lifetime, and a daughter, Eleanor, who married lord Gerard's son, and afterwards became lady Gerard, and by her second marriage vicountess Kilmorey, upon whom the Dutton estates were settled after her brother's death.

The sermon which was preached at the funeral of Thomas Dutton by the rev. Richard Eaton,† vicar of Great Budworth in 1614, was published in 1616‡

* A family of Dutton, living at Burland hall, near Nantwich, claim to be descendants of the male line of the Duttons of Dutton. In the *Cheshire Sheaf* for April, 1881 (ii. 283), a memorial card of Joseph Dutton, who died in 1856, is given, setting forth his ancestry, but which is fictitious with regard to the Norman portion at least.

† He does not appear to have been a member of the known Eaton family of Cheshire. According to Foster's 'Alumni Oxonienses' he was of that county, and matriculated under the description of a 'pleb' at University college, Oxon, March 2, 1581-82, aged eighteen. He was B.D. July 5, 1599; vicar of Great Budworth 1604; and canon of Lichfield in 1607.

‡ It was entered at Stationers' Hall at the time of its publication as follows: '27 Januarij 1615(-16) Samuell Man. Entred for his Copie under the handes of Master Doctor Peirs and Master Swinhow warden "a funerall sermon preached for Master Thomas Dutton" by Richard Eaton person [*sic*] of Budworth County Chester. *vid.*' ('Registers of the Stationers' Company,' iii. 268*b*).

by request of the family, and a copy of it is in the British museum. As it is of family interest, it is printed in the appendix, with a facsimile title-page. In common with much of that kind of literature, however, it has become obsolete, with its distinctions of 'uses, reasons and doctrines,' but in parts where the style is natural and animated it is still readable and even impressive, particularly in his exhortation to the magistrates assembled with the congregation for the enforcement of the more sanctified observance of the lord's day. 'If you have any love to that hidden manna which perisheth not: if you have any desire to those fruits of the tree of life in the midst of the paradise of God: if you have any sincere affectation to those white garments washed in the blood of Christ: if you desire to shine hereafter as the stars in the firmament rather than to be but as a glow-worm in this world, then help to bring the lord's sabbaths to rest. They are shamefully troubled and disquieted, the common days of the week are happier in their seasons than the lord's sabbaths. The sanctifying of the sabbath is one of those unchangeable laws which God himself wrote with his own finger. Resolve therefore as this gentleman did to keep it holy.' This was some years before the issue of the 'Book of sports' and the general revolt of puritanism. In one part of his discourse, finding himself placed by his argument in an illogical position between the doctrines of necessity and freewill, he suddenly escapes by observing, 'but a good mind will never quarrel about these things.' The biographical allusions to Thomas Dutton are most interesting, though it is not clear whether by his 'volubility of speech' we should understand fluency or forcibility of utterance, or both. From these allusions we learn that he was a good, though strict, magistrate, that, 'like Abraham and Lot,' he kept open house at Dutton, which was seldom without guests, so that, 'like Job,' he did 'not eat his morsel alone.' For his poor friends and neighbours he was ever ready to speak or write, or even to lend them money, and always kept some loose cash by him that he might lend them 'five pounds, ten pounds, or twenty pounds' upon an emergency. 'For the civil order and government of his family, he was excellent that way,' his servants obsequious and officious to him, knowing he abhorred idleness in any. 'It happened a little before he fell sick that he considered of the mercies and blessings of God vouchsafed unto him in great abundance, and rendered praise and thanksgiving to God for such favours and benignities. But he complained in my hearing that with that plenty and fulness there was a great want and defect of the public worship of God upon the sabbath day. His determination was this: that with all speed he would have a preacher in his house,* because his corpulent and unwieldy body would not permit him to travail unto the church.† He resolved therefore to allow a sufficient

* Afterwards continued by his daughter, 'who beautified the chapel at Dutton with handsome pews,' so that Poosey chapel in the neighbourhood was neglected and at length demolished (Ormerod, i. 643).

† Dutton hall is about four miles distant from Great Budworth (then the parish) church, along by-roads, and across a ford, which at that time must have been impassable in winter.

maintenance, and desired me with great earnestness to effect the business, and made this his purpose known to all his family and to many others. His heart was smitten with an awful reverence of God's majesty, for the sanctifying of the lord's sabbaths, and for the sincere preaching of the gospel of Christ Jesus. . . . When the shadow of death was upon his eyes, his senses began to faint and fail, yet this was observable, that in the time of prayer his senses were quickened and again revived, so that he was able to lift up his hands and his eyes at every petition, and to say "Amen" to every conclusion. This was also worthy regard, that the last words he spake were these: "O lord Jesus! have mercy upon me and forgive my sins. O Jesus! receive my spirit." And presently after his breath and his spirit departed.' He died at Dutton December 28, 1614, and was buried in the Dutton chapel of Great Budworth church, in accordance with the desire expressed in his will, the following day.

VIII.—JOHN BRUEN THE PURITAN

1560—1625

OF BRUEN STAPLEFORD—EDUCATED IN HIS UNCLE DUTTON'S FAMILY AT DUTTON—NO 'NURTURE OR INFORMATION IN TRUE RELIGION THERE'—BECOMES AN EXPERT DANCER—FORMS A RELIGIOUS COMMUNITY AT BRUEN STAPLEFORD—INDUCES HIS COUSIN DUTTON TO PROHIBIT PIPING AND DANCING ON THE SABBATH DAY—PROCESSIONS TO TARVIN CHURCH—HIS SISTER 'A MIRROR OF PIETY.'

Two remarkable connections of the Duttons of Dutton were John Bruen, the noted puritan layman of Bruen Stapleford, in Tarvin parish, and his sister, 'that mirror of piety, mistress Katherine Brettergh.' John Dutton (1538-1608), grandson of sir Piers Dutton and father of Thomas Dutton (the last of the Duttons of Dutton), was John Bruen's uncle. The Bruens exercised a considerable religious influence over the Duttons, who are said to have had no 'information in true religion' until imparted to them by the Bruens.

John Bruen was the usual kind of puritan of the time, whose early years and his education with the Duttons are thus described by his biographer*: 'And so indeed (or not much otherwise) it fared, and fell out with

* 'A Faithfull Remonstrance of the Holy Life and Happy Death of John Bruen of Bruen Stapleford, in the County of Chester, Esquire. (Brother to that Mirrour of Piety, Mistris Katherin Brettergh.) Exhibiting variety of many Memorable and Exemplary passages of his Life, and at his Death, usefull for all sorts and sexes, but principally intended, as a Path and President of Piety and Charity for the Inhabitants of the Famous County Palatine of

this gentleman in his tender years, who, for want of a schoolmaster at home, was sent by his parents to his uncle Dutton of Dutton, there to be taught and trained up under one James Roe, who kept school there at that time, where he continued a scholar and tabler for the space of three years. A great family and of great liberty. Something he got for grammar learning, a little, it may be, for civil education, but nothing at all for nurture and information in true religion. There and then, by occasion of musicians and a chest of viols kept in the house, he was drawn by desire and delight into the dancing school where he profited so well in that kind of youthful activity, that he did not only please himself too much, but his parents also more than was meet with those tricks of vanity.'

After his conversion he gave up the hounds, 'fourteen couple of great-mouthed dogs,' which he kept, disparked his lands, and formed a religious community at Bruen Stapleford, where he was joined by 'divers families and personages of great place to partake of God's means and mercies with him in his family. Who they were he shall himself relate to you. "Afterwards," saith he, "many more desired to table with me, the lady Egerton, widow, daughter-in-law to the lord chancellor, then being with her company. And my cousin, Tho. Dutton of Dutton, with his wife, son,* and daughter, that now is the lord Gerard's wife, being ten of his family. And for my cousin Dutton, his condition with me was to keep the lord's sabbath with my family as well afternoon as forenoon, which he and all his did in the public congregation. At the same time, my cousin Dutton being pressed and charged by some of great place to maintain his royalty of minstrelsy for piping and dancing on the sabbath-day, my minister, myself, and my family were earnest against it, and prevailed so far with my cousin Dutton, that he promised that all piping and dancing

Chester. By the late reverend Divine William Hinde, sometime fellow of Queenes Colledge in Oxon, and Preacher of God's Word at Bunb. in Cheshire. Published since his death. "The Memory of the Just shall be blessed, but the name of the wicked shall rot." London, Printed for R. B. for Philemon Stephens, and Christopher Meredith, and are to be sold at their shop at the Golden Lyon in Saint Pauls Churchyard, 1641.' (Dedicated to lord Stanley.)

* John Dutton, the boy bridegroom who was killed on his wedding-day.

should cease on the sabbath-day, both forenoon and afternoon, and so his licences were made and do continue so until this day."' His biographer continues: 'His house was distant about a mile from the church, the way fair and large, so that he usually went afoot, calling all his family about him, leaving neither cook nor butler behind him, nor any of his servants, but two or three to make the doors and tend the house until their return. And then, taking his tenants and neighbours as they lay in the way along with him, he marched on with a joyful and cheerful heart as a leader of the lord's host towards the house of God, with the voice of joy and praise, with a multitude that kept holiday. And so it was, indeed, his ordinary manner to call his company near about him, and to join together with one heart and voice to sing psalms as they went along, and that psalm especially, "How pleasant is thy dwelling-place."'

He was twice married; and towards the end of his life experienced religious raptures and had visions. His sister, Mrs. Bretterg, who died in 1601, underwent a similar kind of life and treatment, of which and of her spiritual wrestlings at its close, a melancholy description remains. Clark's 'Marrow of Ecclesiastical History' gives prints of them, which are here reproduced; and in addition to their lives written by their contemporaries, a modern account of them is given in the 'Dictionary of National Biography.'

IX.—SIR CHRISTOPHER HATTON AND THE DUTTONS

GOOD OFFICES TO THE DUTTONS—CLAIMS KINDRED—INTRODUCES PETER DUTTON TO QUEEN ELIZABETH—JOHN DUTTON OF DUTTON AND HIS WIFE—'MY POOR HOUSE'—QUEEN ELIZABETH AND HATTON—'LYDDE'—GRAY'S LINES.

Sir Christopher Hatton (1540-1591), queen Elizabeth's well-known dancing lord chancellor, was a good friend to the Duttons of Dutton and Hatton. Some years before he formally claimed kindred with them he had done good services to the Hatton representative, and Peter Dutton, the heir-apparent of Dutton in 1583, had been placed with him; and by him introduced to the notice of queen Elizabeth before going upon his travels. Upon the son's return in 1583 he wrote of him to his father, John Dutton, that the queen was assured he would prove 'a man meet to be hereafter employed in service to the benefit of his country,' and begged his father 'to make much of him.' Peter Dutton, however, died too soon for the fulfilment of such hopes. In 1584, when there was a serious difference between the John Dutton of Dutton mentioned and his wife, sir Christopher wrote to the bishop of Chester earnestly beseeching him to use his good offices towards its friendly adjustment. The correspondence with Ralph Dutton of Hatton is quaint and interesting, particularly the letter drafted for Ralph Dutton, in which he is made to assert that neither his father nor himself had any skill in heraldry, and to hope that sir Christopher might have some good occasion to visit Hatton, which he is modestly made to describe as 'my poor house.' From an inventory of the contents of the house taken a few years later, and given in the appendix to this work, the place had all the furnishings of a large mansion of the time.

Sir Christopher was, as is well known, a peculiar favourite with queen Elizabeth, to whom he was endeared under various pet names, but especially by that of 'Lydde,' which is said to have been derived from the peculiar formation of his eyelids, which was pleasing to her. The lines in allusion to him in Gray's 'Stoke Pogis' are also well known:

'Full oft within the spacious walls,
When he had fifty winters o'er him,
My grave lord keeper led the brawls,
The seals and maces danced before him.
His bushy beard and shoestrings green,
His high-crowned hat and satin doublet,
Moved the stout heart of England's queen,
Though pope and Spaniard could not trouble it.'

(Sir) Christopher Hatton to Ralph Dutton of Hatton.

Dated from the court July 15, 1572.

(From Harl. MS., 139, fol. 117.)

DESIRES TO TRACE THE HATTON PEDIGREE, AND HAS COMMISSIONED LAURENCE BOSTOCK TO GO TO HATTON FOR THE PURPOSE.

'To his assured friend Mr. Raphe Dutton at his house at Hatton. Geve these:

'My verye good frend Mr. Dutton yo^{r} gentill p'mys to me at yo^{r} Last being at Saint James (a howse of y^{e} quenes 1572). Towching the Searche of suche auncient Records monuments ensygnes and escochens as may lead me to su' descent of the howse and Lyne whereof I my selfe am dyscended, moved me to trowble you wth these lettars The bearer whereof Laurence bostok; I have (of selfe purpose) sent downe unto yo, to gather and take notice of all suche Emblasons as serve to my purpose, for a true petigre of my name, and alliance, to whome when I shall und^{r} stand, y^{t} yo^{u} are so ayding, and assysting (as for yo^{r} acquayntance I knowe yo^{u} may be, and for frendshippe Sake I trust yo^{u} wilbe) yo^{u} shall fynd me evar as Ready to pleasure yo^{u} and yo^{rs}, So in hope he shall fynd yo^{r} helping hand, and I have cause to be thankefull for his entertayment, I end wyshing yo^{u} well, ffrome the Court the xvth of July an^{o} dni 1572

'Yo^{r} very assured frend to my uttermost power,

'Ch. Hatton.'

Endorsed: 'Mr. Hatton's hand. The copy of a letter w^{ch} Mr. Chrystopher Hatton esquire &c. sent to my cozin Mr. Raphe Dutton of Hatton esquyre as foll.'

Henry Townesend to Ralph Dutton of Hatton.

Dated March 28, 1574.

(From Harl. MS., 139, fol. 249.)

ENCLOSES DRAFT REPLY TO BE MADE TO HATTON'S LETTER IN ADMISSION OF HIS CLAIM OF KINDRED.

'To the Right wo^{r}shipfull and my very Lovinge brother in Lawe Mr. Raphe Dutton Esquyre.

'My very hartie comendac'ons trustinge of yo^{r} good health and my susters & my cozin Bartelett and his wyfe, and the rest of yo^{rs} my neece yo^{r} dought^{r} is in

healthe in Norfolke, her husband and my cozin Raoland yo^{r} sonne great students hear, y^{t} pleased M^{r} Hatton to make me acquainted w^{t} his letter herein closed unto yo^{u} w^{ch} I thought good to open to thentent I myght frame yo^{r} answeare in that degree, that it myght stand bothe wth yo^{r} wo^{r}shipe, and aunswer his contentac'on according to the justice of his clayme, I have sene Those Records and boks to warant that w^{ch} his wo^{r}shippe dothe challenge w^{ch} in dutie and Reason you are to yeld unto, yo^{r} Estate Lyvinge, and callinge, nothinge thurby impaired, but yo^{r} discent better affirmed and furnyshed w^{the} Richer coats, and also nowe a wo^{r}shipfull kinseman to be a piller to you and yo^{rs}, wherefore dowbte yo^{u} not, of my credyt and words, he meanethe nothinge Towards yo^{u}, nor yo^{r} Lands, no more to endamage yo^{u} than I do, butt in Respecte, yo^{u} wold not seeme to give those armes That his enemye should saye he cold not warrant theme, no^{r} the colledge of the harrolds justely confirme theme, ffor M^{r} Hatton is discended (as it dothe appeare by the petigree w^{che} M^{r} bostoke will shewe yo^{u}) of the secu'd howse, and wthall you haue fynes and Recov'ies w^{che} dothe barre hym albeit he had Righte, wherefore the matter to yo^{u} ys nott vaylable, and yett of the other p'te (Refusing this to do) he maye have just cause of mislike and unkindenes in yowe and yet in thend, gyve the armes, wherefore I wishe you To send this Letter inclosed, by me herein drawen to M^{r} Hatton, and thus faire you well, This xxviiith of m'che 1574.

'Bycause yo^{u} are wont to saie, yo^{u} cold not Reade my Lewde hand I haue caused my man to write his best hand for yo^{u} to Reade and these fewe Lynes for my sister to desken at, to whome my wyfe Sendethe hertie Comendac'ons.

'Yo^{r} Lovinge b^{r}other

'Henry Townesend.'

Ralph Dutton to (sir) Christopher Hatton.

Dated April 14, 1574.

(From Harl. MS., 139, fol. 249.)

ADMITS HIS CLAIM OF KINDRED—HAS JUST REASON TO THINK THERE IS WORSHIP IN HIM—MINDFUL OF A FRIENDLY ACTION YEARS BEFORE—HIS FATHER LIKE HIMSELF UTTERLY UNSKILLED IN HERALDRY—WISHES HIS CORRESPONDENT HAD SOME GOOD OCCASION TO SEE HIS 'POOR HOUSE.'

'To the Right wo^{r}shipfull and my Lovinge kinseman M^{r} Christopher Hatton Esquyre, Captaine of her Ma^{t} garde and one of her highnes pryvie chamber.

'My hon'ble comendac'ons Remembred, havinge aswell Receaved yo^{r} wo^{r}ships L'res as M^{r} Clarencieux, and also having had p'usal of certeine petigrees, by thands of M^{r} Bostok yo^{r} (*sic*) and for my p'te touchinge the same I and myne have just cause to Thincke wo^{r}shippe in yo^{u}, and wisdome for yo^{r} carefullness of the

p'sarvac'on of that Lynage and blood whereof yo^{u} are discended and albeit, by yo^{r} Late instrucc'ons I do und^{r}stand more then afore I dyd, yet of the affynytie of o^{r} howses, I was not ignorant of, and the same, I did Imp'te unto yo^{r} Worshippe, a seaven yeares past at w^{ch} tyme I Required yo^{r} ffrendshippe to be my meane for the discharge of the Lone of an hundreth pounds w^{che} I was Required amongst othars to Lend unto her Majestie of w^{che} some by yo^{r} good meanes I then was eased of and for the w^{che} for my p'te I meane not to be undemyndfull, And as concerning yo^{r} pedigree coat and armes I thinke yo^{u} are so wo^{r}shipfull and have had that care conferrence and considerac'on, That you would not challenge any p'te of myne, and yeld me other but that you have a just and trewe warrunt, and good Right So to do, and therefore to gaine saye the same for myne awen p'te I cannott for those that I nowe do gyve were gyven to my father (and p'happes unlawfull in p't) beinge a man unskilfull as I utterlie therein am but must theirfore gyve Reverence and place to the Judgement and opinyon to the Colledge of the harrolds, or ells I shold shewe my selfe bothe ungratefull unto yo^{r} wo^{r}shippe, and want of consyderac'on, Wyshinge that you had some good occasion to see these p'tes and my poore howse, or that I weare any way able to pleasure yo^{u} havinge a poore Sute unto yo^{u} for the p'ferment of my sec'nd sonne unto you w^{che} I Referre unto my cozin Bostokes speache in my behalfe, and Thus wherein I maye I reste at yo^{r} Comaundement, This xiiij of Ap^{r}ell Ano dni 1574.

'Yo^{r} Lovinge poore Kinseman
'To Commaund R. Dutton.'

'Posc'r Brother Lett thes L'res be written ffaiere word by word and deliv'ded to M^{r} Bostoke, and dezire hym to further yo^{r} Sute to M^{r} Hatton for yo^{r} Sonne Hughe to s've hym I have p'tly moved the matter allready.'

Sir Christopher Hatton to John Dutton of Dutton.

Dated from the court December 16, 1583.

(Peck's 'Desiderata Curiosa,' i. 142.)

RETURN OF PETER DUTTON FROM HIS TRAVELS—THE QUEEN'S APPROVAL OF HIM—WILL FURTHER HIM AS A COURTIER IF HE DESIRES THAT LIFE.

'To John Dutton of Dutton, esq.

'Sir. The return of my cousin and servant Peter Dutton, after his long and dangerous travel abroad, hath been cause of exceeding comfort unto me, both for the good affection which I bear him and for the virtuous disposition which I have always noted in him, the which being now much confirmed in him both by judgment and staidness of behaviour, I cannot but earnestly recommend him to your goodness

upon occasion of this present repair unto you and heartily entreat you to receive him with the regard of good and fatherly affection, which I trust you will judge him very well worthy of, both in respect of his dutiful disposition towards you and also for many other good parts which justly crave the continuance of your good favour towards him. Her majesty doth very graciously accept of the gentleman's travel, liking also very well of his return, with assurance that he will prove a man meet to be hereafter employed in service to the benefit of his country. In which respect, sir, I must entreat you to make much of him and to encourage him to hold in that good course which he hath already begun, to the great contentment of his friends, whose expectation I doubt not he will perform honestly in every point to his own credit and commendation and in time do much honour and reputation to the house he cometh of. I have always thought myself beholden unto you in that it pleased you (upon very good will, I take it) to bestow him in my service, for which your kindness I very heartily thank you. And even so I do assure you that he shall not want my best friendship and favour wherein I may do him good, or any way further the towardness of virtue which I do find in him to due perfection.

'After he hath been with you a while and discharged some part of his duty by his presence towards you, in case I may perceive any desire in him to follow the life of a courtier yet for a time, he shall have my best furtherance for his preferment, doubt you not, as occasion shall be offered: accounting that whatsoever I shall do for him I shall do for one of my best friends and kinsmen. I pray you, Sir, once again, cherish him and make much of him for my sake. And even so, offering my like readiness to yourself to pleasure you in what I may, with my heartiest commendations I commit you to God. From the court at St. James's the 16th of December 1583.

'Your very loving assured friend and cousin,

'CHR. HATTON.'

Sir Christopher Hatton to the bishop of Chester.

Dated from Hampton court October 27, 1584.

(Peck's 'Desiderata Curiosa,' i. 157.)

ENTREATS THE BISHOP'S GOOD OFFICES IN ADJUSTING A DIFFERENCE BETWEEN JOHN DUTTON OF DUTTON AND HIS WIFE—A PRINCIPAL GENTLEMAN OF THE SHIRE.

'To the bishop of Chester.

'My good lord, I am let to understand to my exceeding great grief, there is some matter of suit depending before your lordship, between my very good friends Mr. John Dutton of Dutton and Mrs. Eleanor his wife, upon certain complaints which she hath lately exhibited against him. And (for the earnest good will which

I have always borne them, both in respect of alliance and of other good friendship passing between us) I am moved to write these few words unto you and heartily entreat you to be pleased to take some careful regard of this cause and of the weightiness of the sequel thereof, in case it be not timely prevented. Your lordship knoweth how ungodly a course of proceeding this is between man and wife, like to breed utter discredit to them both if it should go forward as it hath begun. If therefore it might be stayed and the cause ended with quietness through your lordships good and godly means, I should have cause greatly to rejoice thereat. But if this may not conveniently be brought to pass, then am I earnestly to pray your lordship to set such good order for a direct course of proceeding to be observed therein, as the cause may be dealt in with all the indifferency that may be; so as there ensure no obloquy . . . to touch the name of Mr. Dutton, which otherwise would leave too great a scar in his credit and reputation, being a principal gentleman of the shire, who may hardly endure any such disgrace and the same perchance because of further inconvenience hereafter. Herein your lordship shall do a most christian act, worthy of your calling and function, and make me exceedingly beholden unto you for it. The performance whereof I refer to your most grave and wise consideration, with this addition only, that concerning the exhibition to be allowed unto Mrs. Eleanor it may please you to set down such an indifferent rate therein as may be to the good contentment of them both, if this possibly can be performed. And even so, recommending your lordship to the gracious protection of Almighty God, I take my leave. From Hampton court the 27th of October 1584.

'Your good lordship's very loving assured friend,

'CHR. HATTON.'

X.—THE CHEKE-DUTTON DUEL IN 1610

SIR HATTON CHEKE AND SIR THOMAS DUTTON: THEIR PARENTAGE—LOW COUNTRY CAPTAINS—DUTTON'S FRIENDS AT COURT—THE KING'S ESTEEM OF HIM—DEPARTS FOR THE STATES—INCIDENT WITH CHEKE AT THE SIEGE OF JULIERS—HASTY TEMPERS—CHARGES OF DEFAMING GENERAL CECIL—DUTTON ARRESTED BY THE GUARD—THE DUEL ON CALAIS SANDS—CARLYLE'S DESCRIPTION—ANOTHER VERSION—SUBSEQUENT CAREER—A 'PRESS ABOUT CANTERBURY'—LETTER TO THE DUKE OF BUCKINGHAM—PETITIONS CHARLES I. IN 1632.

CARLYLE, in his description of the duel fought on Calais sands between sir Hatton Cheke and sir Thomas Dutton in the year 1610, describes them as 'two gentlemen of whom the universe knows, has known and will know nothing, except that they were of choleric humour and assisted in the Netherlands wars'; and he adds, 'what became of the living Dutton afterwards, I have never to this moment had the least hint' ('Miscellanies,' edit. 1899, iv. 395). But with the facilities afforded for modern research, the universe need no longer remain in ignorance about them, and sir Thomas Dutton's subsequent career may be traced for several years.

Sir Hatton Cheke was second son of Henry Cheke,* the translator, of whom there is a notice in the 'Dictionary of National Biography,' although it does not mention his son the duellist. Henry Cheke's father was the celebrated sir John Cheke (1514-1557), tutor to Edward VI., secretary of state, professor of Greek at Cambridge, and, according to his biographers, a restorer of Greek learning in England. Sir John's mother kept a wine-shop at Cambridge, where William Cecil, afterwards lord Burghley, then an undergraduate there, met and fell in love with sir John's sister, Mary Cheke, whom he married.

Sir Hatton had two brothers, sir Thomas Cheke, of Pergo in Essex, his elder brother, and Henry Cheke, his younger brother. The latter died without issue, and is recorded in the herald's college* to have been buried with his brother Hatton at Dover. There does not appear to be any entry of Henry's burial in the parish register of Dover, although there is of his brother Hatton, but the register is in an illegible condition. The name Hatton was probably derived from sir Christopher Hatton, with whom Hatton's father, Henry Cheke, was intimate. In the life of sir Christopher Hatton by Nicolas, some letters from Henry Cheke to Hatton are

* Heralds' college MS., c. xix., 19.

given, in which the editor describes him as sir Henry Cheke. This appears to be an error, as the Cheke pedigree at the heralds' college does not record any such distinction with regard to him.

Sir Thomas Dutton was a son of John Dutton, who was son of Fulk Dutton, mayor of Chester in 1537 and 1548. Fulk Dutton's wife was Elizabeth, daughter of sir Ralph Egerton, of Ridley. From this relationship sir Thomas obtained a friend at court in the person of the lord chancellor Ellesmere, who was an illegitimate son of sir Ralph's son, sir Richard Egerton. But sir Thomas Dutton's earliest and most influential friends at court, were the earl of Salisbury and the earl of Suffolk, particularly the latter.

Sir Thomas was one of the knights made on the accession of James I. in 1603. He entered Gray's inn, February 26, 1604-5, but soon abandoned the law for a captaincy in the low countries, then the only theatre of military operations. In 1605 the earl of Suffolk wrote to sir R. Winwood, one of the commissioners for the low countries, thanking him for the favour shown to Thomas Dutton respecting his company (Hist. MSS. com. reports). On July 21, 1606, lord Salisbury wrote to Winwood, particularly recommending sir Thomas, who, he said, had lately obtained a commission from the states to levy two or three hundred volunteers, with whom he was then returning there. Lord Salisbury adds that Dutton 'is well esteemed of by his majesty,' and desires to be put in the field to deserve his entertainment. On July 26 following he wrote to lord Salisbury: 'This day I set forwards my journey from Gravesend to the low countries, and in all I have sent over 240 men.' He returned safely from the expedition, and in 1609 lord Suffolk again wrote to thank Winwood for his kindness to Dutton.

About June, 1610, while at the siege of Juliers, the incident occurred with sir Hatton Cheke, who was also an officer in the service of the states there. According to the historical version of it, Cheke spoke hastily to Dutton while they were in action together, which Dutton resented and answered him again. Cheke sharply retorted upon him, but Dutton, recollecting himself, merely replied that he was on service there, but would vindicate himself elsewhere. The particular engagement over, he at once, with or without laying down his commission, left for England. The incident might have closed without any disastrous result, but it seems to have been the culmination of a long-standing enmity between them, particularly as in contemporary letters, there is an allusion to a previous quarrel during a dinner at sir John Radcliffe's. Low country captains were notoriously quarrelsome. Bishop Earle, in his 'Characters,' published in 1628,* represents it as one of the virtues of

* If bishop Earle's 'Characters' were more known they would still be widely read and appreciated. He was born in 1601, became tutor to prince Charles, and went into exile with the king. The 'Characters' is an extraordinarily witty book for that time, without any of the quaintness so affected by sir Thomas Browne and others. What can be more beautiful than bishop Earle's character of a child? Such passages as, 'his father hath writ him as his own little story, wherein he reads those days of his life that he cannot remember, and sighs to see what innocence he has outlived. . . . He is the christian's example, and the old man's relapse;

a 'staid' man that he 'can come fairly off from captains' companies and neither drink nor quarrel.'

Upon his return Dutton found that charges had been brought against him of defaming general Cecil, the commander of the English forces in the states. The king appears to have been much incensed against Dutton by such reports. It was in vain that he denied the truth of them both to lord Salisbury and the council, and that he at once went down to the king at Kirby to vindicate himself. The king had given orders, before the charges had been heard, that he should be punished according to his deserts, and that his friends at court should not help him. Even the prince of Wales (prince Henry) said he would not defend him. The consequence was that sir Thomas was arrested by the guard as he was about to enter the presence chamber where the king was at supper. Such are the particulars given in a letter from one of the under-secretaries to lord Salisbury, and it shows the freedom of access which Dutton had hitherto had to the king. Thomas Scriven, writing to the earl of Rutland at Belvoir (August 24, 1610), says: 'sir Thomas Dutton hath been at Hornby before the council, where he hath been charged to have spoken much in derogation and dishonour of the commission granted to sir Edward Cecil, the general, which he denieth. Upon this he is sent back to Cleve under the charge of two of the guard, there to receive a trial touching that matter only, yet with this, that whatever fell out upon examination the same first to be informed hither before any censure be executed there. Meantime he retaineth his company, and the matter of quarrel not any whit urged here. And that which happened at that quarrel was at a dinner at sir John Radcliffe's lodgings' (Hist. MSS. com., xii. 423). This alleged aspersion of general Cecil probably originated in some hasty reflection upon the general uttered by Dutton, and reported or misrepresented by Cheke, as the trouble occurred in the interval between Dutton's departure from the siege of Juliers about June, 1610, and his meeting with Cheke the following December.

The next news that reached lord Rutland from his former correspondent was from London, December 10, the same year: 'sir Hatton Cheke and sir Thomas Dutton have fought in Flanders.* Cheke is slain and Dutton sore hurt.'

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the one imitates his pureness, the other falls into his simplicity. Could he but put off his body with his little coat, he had go eternity without a burden, and exchanged but one heaven for another.' His description of a constable as one who 'apprehends a drunkard for not *standing* in the king's name.' Or of an upstart knight, 'he has doffed off the name of a country fellow, but the look not so easy, and his face bears still *a relish of churn milk*;' and others. There is a modern edition of the 'Characters,' edited by Arber, and published by Constable and co., price 1s.

* A mistake for Calais, then the favourite place for such affairs. Bishop Earle, in his 'Characters,' says of a surgeon that 'his envy is never stirred so much as when gentlemen go over to fight upon Calais sands, whom he wishes drowned ere they come there, rather than the French shall get his custom.'

Carlyle's glowing description of the encounter itself, together with the historical version of it as published in 1706, and from which Carlyle's description was derived, are here given:

Carlyle's description of the duel.

('Miscellanies,' edit. 1899, iv. 395.)

'It was at the siege of Juliers in the Netherlands wars, of the year 1610; we give the date, for wars are perpetual or nearly so, in the Netherlands. At one of the storm-parties at the siege of Juliers, the gallant sir Hatton Cheke, a superior officer of the English force which fights there under my lord Cecil, that shall be Wimbledon; the gallant sir Hatton I say, being of hot temper, superior officer, and the service a storm party on some bastion or demilune, speaks sharp word of command to sir Thomas Dutton, the officer under him, who also is probably of hot temper in this hot moment. Sharp word of command to Dutton; and the movement not proceeding rightly, sharp word of rebuke. To which Dutton with kindled voice, answers something sharp; is answered still more sharply with voice high flaming; whereat Dutton suddenly holds in; says merely, he is under military duty here, but perhaps will not always be so; and rushing forward does his order silently the best he can. His order done, Dutton straightway lays down his commission; packs up that night and returns to England.

'Sir Hatton Cheke prosecutes his work at the siege of Juliers; gallantly assists at the taking of Juliers, triumphant over all the bastions and half-moons there; but hears withal that Dutton is, at home in England, defaming him as a choleric tyrant and so forth. Dreadful news which brings some biliary attack on the gallant man and reduces him to a bed of sickness. Hardly recovered, he despatches messages to Dutton, that he will request to have the pleasure of his company with arms and seconds ready, on some neutral ground: Calais sands for instance, at an early day, if convenient. "Convenient! yes, as dinner to the hungry" answers Dutton; and time, place and circumstances are rapidly enough agreed upon.

'And so, on Calais sands, in a winter morning of the year 1610, this is what we see, most authentically, through the lapse of dim time. Two gentlemen stript to the shirt and waistband; in the two hands of each a rapier and a dagger clutched; their looks sufficiently serious! The seconds, having stript, equipt and fairly overhauled and certified them, are just about retiring from the measured fate-circle, not without indignation that *they* are forbidden to fight. Two gentlemen in this alarming posture; of whom the universe knows, has known and will know nothing, except that they were of choleric humour and assisted in the Netherlands wars! They are evidently English human creatures in the height of silent fury and measured circle of fate; whom we here audibly name once more, sir Hatton Cheke; sir Thomas

Dutton: knights both, soldadoes both. Ill-fated English human creatures, what horrible confusion of the pit is this?

'Dutton, though in suppressed rage, the seconds about to withdraw, will explain some things if a word were granted. "No words," says the other, "stand on your guard," brandishing his rapier grasping harder his dagger. Dutton now silent too, is on his guard. Good heavens! after some brief flourishing and flashing, the gleam of the swift clear steel playing madly in one's eyes, they, at the first pass, plunge home on one another: home with beak and claws; home to the very heart! Cheke's rapier is through Dutton's throat from before, and his dagger is through it from behind: the windpipe miraculously missed; and in the same instant, Dutton's rapier is through Cheke's body from before, his dagger through his back from behind: lungs and life *not* missed; and the seconds have to advance "pull out the four bloody weapons," disengage that hell-embrace of theirs. This is serious enough! Cheke reels, his life fast flowing; but still rushes rabid on Dutton who merely parries skips; till Cheke reels down dead in his rage. "He had a bloody burial there that morning" says my ancient friend* (Wilson in Kennet, ii. 684). He will assist no more in the Netherlands or other wars.

'Such scene does history disclose, as in sunbeams, as in blazing hell fire, on Calais sands, in the raw winter morning, then drops the blanket of centuries, of everlasting night, over it and passes on elsewhither. Gallant sir Hatton Cheke lies buried there,† and Cecil of Wimbledon, son of Burleigh, will have to seek another superior officer. What became of the living Dutton afterwards, I have never to this moment had the least hint.'

Wilson's description of the duel.

('History of England,' 1706, ii. 683.)

'Sir Hatton Cheke was next commander to sir Edward Cecil, a man of a gallant and daring courage in the difficultest enterprises; who speaking to sir Thomas Dutton (one of the captains under his command) somewhat hastily, Dutton disdaining to be snapt up (being a man of a crabbed temper) returned as hot an answer which broke into a flame. But Dutton quenched it by telling sir Hatton Cheke, he knew he was his officer which tied him in the army to a strict obedience, but he would break that bond and vindicate himself in another place; and instantly quitting his command he went for England. Some small time after the taking of Juliers, Cheke fell sick; and his distemper was the greater, because he had heard

* The 'ancient friend' does not say where Cheke was buried.

† Not there. His body was brought over and buried in St. Mary's, the parish church of Dover. '1610. Decemb. S^{r} Hatton Cheek knight, 19' (St. Mary's register of burials). The 19 is the date of his burial, not the year of his age.

Dutton strove to defame him, both in court and city: for being full with passion he vented it with freedom enough in every place. Cheke being recovered and heart-whole, would not give time to his decayed limbs to suck in their old vigour, but sends to Dutton that threatened him, to give an account of the large expense of his tongue against him. Dutton that waited for such a reckoning willingly accepted the summons. Cheke took Pigot one of his captains to be his seconds: Dutton took captain Gosnald, both men of well-spread fame; and they four met on Calais sands. On which dreadful stage at first meeting, Dutton began to expostulate his injuries as if a tongue-combat might decide the controversy, but Cheke would dispute it otherwise. Then their seconds searching and stripping them to the shirt in a cold morning, they ran with that fury on each other's sword as if they did not mean to kill each other but strive who should first die. Their weapons were rapier and dagger, a fit banquet for death. At the first course Cheke ran Dutton into the neck with his rapier and stabbed him in the neck backward with his dagger, miraculously missing his windpipe. And at the same instant like one motion Dutton ran Cheke through the body and stabbed him into the back with his left hand, locking themselves together thus with four bloody keys, which the seconds fairly opened and would fain have closed up the bleeding difference. But Cheke's wounds were deadly which he finding, grew the violenter against his enemy; and Dutton seeing him begin to stagger went back from his fury only defending himself, till the other's rage weakened with loss of blood, without any more hurt fell at his feet. Dutton with much difficulty recovered his dangerous wounds but Cheke by his servants had a sad funeral, which is the bitter fruit of fiery passions.'

The encounter appears to have taken place early in December, 1610, as the news of it had reached London by the 10th of that month, and sir Hatton Cheke was buried at St. Mary's, Dover, on the 19th December following.

Sir Thomas Dutton had sufficiently recovered from his wounds to return to England in the following June. He was at first treated with some severity, deprived of his command and placed under restraint. He wrote a letter of abject submission to lord Salisbury, who, although connected with Cheke, does not appear to have borne Dutton any rancour, representing himself as a worm under his feet, and deploring the death of his antagonist, who, he said, would not be satisfied except with blood; and whose worth and loss he would ever acknowledge with much sorrow till he died. He gradually regained royal favour and his military command. His subsequent career may be traced for some years, but the date of his death is not known. He appears to have gone on several expeditions to the low countries; and on one occasion, in January, 1624-25, while marching with his company to Dover, forty-nine of his men deserted at Woodnesborough and gave him much trouble. He says that they even set upon and beat their officers, and that had not martial law been proclaimed they would have plundered all Kent, so that he applied for 'a warrant for a press about Canterbury' to make good their desertions.

His last letter extant is dated 1627, and addressed to the duke of Buckingham. In it he lamented that the duke, while admitting him to a share of his favours at court, had left him behind in his expedition. He sent the duke a pair of pistols, one of which he wished were in his 'pate' at the duke's glorious return. The expedition referred to was the ill-fated descent upon Rochelle and Isle of Rhé, from which it is said not half of the forces returned. Sir Thomas was living in 1632, when he petitioned Charles I. for some recompense for his services: '1631-2, Feb. 22. Henry Rich, earl of Holland, to sir John Coke, kt., principal secretary of state. "Upon the petition of sir Thomas Dutton his majesty is pleased to recommend the consideration of his service and the means and way of his satisfaction unto our very good lords, the lord chamberlain, and the lord of Dorset, and that you should certify so much to their lordships under his petition"' (Earl Cowper's MSS. at Melbourne hall; Hist. MSS. com., xii. 449). It does not appear that anything was done for him. He was married and with a family, of whom nothing is known.

Sir Thomas Dutton to the earl of Salisbury.

Dated July 26, 1606.

(From the Cecil papers at Hatfield, cxviii. 149.)

IN FAVOUR OF REV. ZACHARY SAUNDERS, B.D., THAT HE MAY HAVE LICENSE TO GO TO THE LOW COUNTRIES AS CHAPLAIN TO SIR JOHN RADCLIFFE—IS HIMSELF EMBARKING AT GRAVESEND FOR THOSE PARTS THAT DAY, WHERE HE HAS SENT 240 MEN.

'To the Right Honorable the Earle of Salesburye geve these:

'My most Honorable Lord: I do in all duty remember my most bounden servise unto you, & do crave your Honorable favoure, to get this bearer Mr. Zachary Saunders a Bachelour of Divinity & a lycensed preacher a pasport for three yeares to travayle forth of this kingdome, w^th^out praejudise to his poor Estate w^ch^ he holdes nowe in England. For his Intent is to come over into the Lowe Countries to us, & to doe his duty in his Calling under S^r^ Jhon Radcliffe in whose Family he hath most contynued. I leave this my humble request to your Honorable Consideracyon, & w^th^ all duty & as good a hart as any man, I will ever rest to be commannded yours:

'THOM DUTTON.

'This day being the XXVI^th^ of July I set forwards my Jorny from Gravesend to the Lowe Countries, & in all I have sent over 240 men.'

Endorsed: '1606. S^r^ Thomas Dutton.'

Sir Hatton Cheke to the earl of Salisbury.

Dated at the Hague, Aug. 14, 1608.

(From the Cecil papers at Hatfield, cxcv. 35.)

REPUDIATES THE CHARGE OF HAVING HAD ANY DEALINGS WITH COPLEY.

'To the right honor^{ble} my very good Lord the Erle of Salisbury, Lord high Threasorer of Englande.

'May it please y^{r} Lo^{pp}:

'I have had advertisement from some of my worthy frendes, that Copley in his examination before the Lordes, would have coloured his practises wth praetence of my privity to that w^{ch} past betweene Lee & him; & though y^{r} Lo^{pp} was pleased out of y^{r} hono^{ble} favor, not to suffer the wordes of so wicked a person to have creditt with y^{w}, yet because even of such small, & unlykely aspersions, the world is apt, where it list, to make great & foule blemishes; I have adventurde to present my owne justification to y^{r} Lo^{pp}, humbly beseechinge y^{w} to beleeve, that of this particuler, or whatsoever els, may concerne Copley in any base or abject course of his, I have had no knowledge, havinge ever markt him out for a fellow, of that lewde & desperat condition, that I never willingly acknowledgde him, but when the necessity of my charge heere requyrde it;

'I was willinge to shew my unhappines in this to his Mat^{ies} Commissioners heere, & make offer of my self to their disposition, whom as they were pleased to make use of my service in some discovery of Copley at his apprehendinge; so in all that, wherin they used me not, They can when they please, witnes to y^{r} Lo^{pp} what incongruity it hath wth my fortune or condition, to have beene an intermedler. Thus much I have praesumed to recommend to y^{r} Lo^{ps} consideration, beinge incouraged to hope, that whom y^{r} Lo^{pp} hath voutchsafed already to justify, from no testimony, but the favor of y^{r} opinion, havinge now seene his humble & true protestation, y^{w} wilbe pleased to declare his innocency wth more confidence; I shall put it upon the account of y^{r} Lo^{ps} honors done me already, & be infinitly glad to spend my lyfe in satisfaction of them all together, as shall more playnly appeare, when y^{r} Lo^{pp} shall ever please to imploy me as Y^{r} most humble & devoted servant Hatton Cheeke. The Haegh this 14th of August 1608.'

Endorsed: 'sir Hatton Cheek to my Lo. concerning Copley.

Sir Thomas Lake to the earl of Salisbury.

Dated at Kirby, Aug. 7, 1610.

(From state papers, domestic, James I., lvii. 8.)

SIR THOMAS DUTTON AND HIS ASPERSIONS UPON GENERAL CECIL—THE KING SAYS THAT HIS FRIENDS AT COURT SHALL NOT HELP HIM—IS ARRESTED WHILE ABOUT TO ENTER THE PRESENCE CHAMBER, AND COMMITTED TO THE GUARD.

'My duty to your lo. most humbly remembred uppon the receipt of your lo. lrēs this morning. My lordes who are here commanded me to goe away presently to Kirby whither his Ma^{ty} was to come this evening from Apthorp and to take with me Mr. St. Leger which I did and finding his H. here returned from hunting about six of the clock or after I presented your lo. lerēs to his Ma^{ty} and after the reading of them the gentleman from whom his Ma^{ty} tooke information of some particularityes both of the siege and of S^{r} Tho. Dutton's fact, concerning whom his Ma^{ty} sayd that his answere was short that he should be punished according to his desert and that frendes in Court should not help him wished mee to assure your lo. so and to referre you for his opinion in such cases to his "*Basilicon Doron*," where you may see his Ma^{ty} sayth that of all faults those y^{t} are made in Warr are straightest to be looked to for that a small fault there may be cause that no faults more shalbe committed. I told his H. that my lo. chamberlain had stayd his jorney untill his Ma^{ty} return to Holdenby of purpose as I tooke it for advise to be taken in that matter and especially on this point whether if Sir Tho. Dutton came into England as Mr. St. Leger thought he was whether he should be punished here or sent back thither. His Ma^{s} delivered his mynde straight y^{t} he ought to be punished by the same Commission which he had disobeyed, and willed me to tell the lordes his opinion.

'I spake wth the Prince (Henry) of the same matter who told me that he would not defend him and that he would writt to S^{r} Edward Cecyll that whatsoever the lord Marshall required in such a case to be don it liked him well it should be performed.

'Having don this wth his Ma^{ty} and the Prince, and Mr. St. Leger acquainted the Prince with the pts, etc. As we went to take horse to goe to our lodgings I was advertised that S^{r} Tho. Dutton was come into the Coort and going up to the presence where his Ma^{ty} was newly sitten to supper. I advised him to forbeare his Ma^{ty} presence for yt his Ma^{ty} knew well his fault and finding him somewhat unwilling I charged him earnestly to forbeare at his perill. And so stepped to his Ma^{ty} and acquainted him therewith who gave order that the Captain of the gard should take charge of him for that night and on the morrow to send him to my lords at Holdenby to abyde their censure.

'Whereuppon I have thought best to stay Mr. St. Leger here because S^{r} Thomas Dutton hath already published justifications and desires but to be heard than if

their lordships shall desire to confront Mr. St. Leger w^th^ him in such things as himselfe hath been witnes to, besides the gentleman was desirous to goe to my lo. of Excester early tomorrow after he had receaved the Princes lrēs which are promised to be redy betymes before he goe forth and after his being in Burly w^ch^ is but eight myles hence he will be by Post at Holdenby to attend their lordships against Sir Tho. Dutton be there and then will take their lo. directions ether to goe up to your lo. or to abyde your comming to Holdenby.

'And this much I thought good to advertise your lo. from hence before my going to Holmby. And therewith most humbly take my leave. From Kirkby this 7 August 1610.

'Your lo. most humbly to com'and,

'THO. LAKE.'

Sir Thomas Dutton to the earl of Salisbury.

Dated at Northampton, August 16, 1610.

(From the Cecil papers at Hatfield, cxxviii. 142.)

HAS SUBMITTED HIMSELF TO THE OFFICER OF THE GUARD UPON THE CHARGE OF DEFAMING GENERAL CECIL, WHICH HE DENIES.

'To the Rite Honrabell his muche honrede Lo^r^ the Erell of Salesberye
Lo^r^ hie Tresrore of Inglande in all humbellnes give thes.

'Write Honrabell. Acordinge to your Lorshipes comande on my alegncie at the Counsill Tabell from the Kinge I have sobemitied my sellfe ounder the costodie of M^r^ Hariese on of his Magisties Garde to be broute to ansor my aqusores (accusers) be for my Lo Jnralle (general), of hom I have so honrabell anopinyon of that I shall in nothinge doute the Resivinge of harde mesuer, for I proteste to your Honor on my faythe to god I never spacke aganste any of his otoryties or onrevrintlye of him in all my Life. My moste Humbell Requste is to live in your Honors good opinyon which in my ofexciones (affection) I have longe soute aftere as binge desiruoes to ingoye a parte withe otheres of your Honrabell vertues whiche gives comforte to milyones of mene and dispare to no manne. so levinge my misryes and grete misfortunes to your Honores favrabell comisracion, I Rest in all Humbellnes as Redye to obaye and sarve your Honor in all duties as any mane livinge poor Thom Dutton.'

Norhamton Aguste the XVI oulde still.'

Endorsed: '16 August 1610. S^r^ Thomas Dutton to my Lord.'

Sir Thomas Dutton to the earl of Salisbury.

Dated at London, June 17, 1611.

(From state papers, domestic, James I., lxiv. 44.)

IS A WORM UNDER HIS FEET—DEPLORES THE DEATH OF SIR HATTON CHEKE, WHO WOULD NOT BE SATISFIED EXCEPT WITH BLOOD—HIS WORTH AND LOSS—THE LOSS OF LORD SALISBURY'S FAVOUR MAY DRIVE HIM TO DESPAIR.

'To the Right ho^ble the Earle of Salisburie Lord High Trea'r of England
in all duties give theis.

'Right ho^ble Havinge through my great misfortunes runne manie dangers yet I accompte the losse of yo^r Lo^ps favour to equall the greatest, w^ch I protest by the repitation of a gent I never justlie deserved for I must confesse without merritt to have beene bounde to yo^r ho^ble favour w^ch I will ever acknowledge thankfull unto all the worlde; I most humblie besech your Lo^p to consider all mens imperfections, and then you will rather pittie me then se my ruyne for I know you have a breast full of honor and compassion to those that in true humilitie seeke your favour, for I in all things acknowledge my selfe but a worme under your feete and for my mischaunce in killing my enemye whome by no meanes would be satisfied but with bloode I hope your honor judginge with the noblenes of yo^r owne harte will rather pittie the great mishappe in us both then to condemne me the defender, and I must ever acknowledge his worth, and losse with much sorrowe till I die and if I have comitted anie offences towards Gennerall Cecill my punishments alreadie hath beene to great for my poore fortunes to beare, ffirst the losse of the Kinges favour w^th severe Imprisonm^ts then the losse of my companie, w^ch cost me and my noble friendes the raysing and furnishinge of them into the States service £600 and besides since these mischevious troubles it hath cost me £700 w^ch I owe and am noe waies able to pay w^thout my freindes favour and Gods assistance whome I truste will helpe me in all my necessities I leave my poore estate to your most worthie considera'con and in all humblenes doe seeke your ho^ble favour, w^ch to loose may cleane drive me to despaire, howsoever I rest to be commaunded of you in all duties.

'poore
'THOM' DUTTON.

'London this 17^th of June 1611.'

Endorsed: '17 June, 1611. S^r Tho Dutton to my lo.'

Sir Thomas Dutton's scheme for augmenting the customs revenue

Dated March 27, 1618.

(From Lansdowne MS., clxii. 180.)

WHILE THE LONDON MERCHANTS PAY 6*s.* 8*d.* DUTY ON CLOTH, THE WESTERN COUNTRY MERCHANTS PAY ONLY 5*s.* 4*d.*, THE DIFFERENCE REPRESENTING THE BOUNTY AS ALLOWED TO THEM BY THE LATE QUEEN — PROPOSES TO COLLECT THE DIFFERENCE — REFUSED BY THE COUNCIL.

'At Whitehall on Fryday the 27th of March 1618.

Prsent, Lo Archbishop of Canterburie

Lo Chancellor	Lo Carew
Lo Treasurer	M^r^ Treasurer
Lo Privie Seale	M^r^ Comptroller
Lo Stewarde	M^r^ Secretarie Lake
Lo Chamberlein	M^r^ Secretarie Naunton
E of Arundell	M^r^ of the Rolles
Lo Bp. of Elie	S^r^ Edward Coke

'Whereas S^r^ Thomas Dutton Knight his Ma^ties^ servant p'ferred an humble Peticon to his Ma^tie^ shewing That forasmuch as the merchants of London and other places doe and ought to pay to his Ma^tie^ for the Custome of every short Cloth 6^s^ 8^d^ according to the severall Statutes enacted for the same and soe after y^t^ rate for Kersies and other wollen commodities W^ch^ notwithstanding the inhabitants and merchants of the Westerne p'ts that is to say of Somersett Dorsett Devon and Cornewall doe pay unto his Ma^tie^ but 5^s^ 4^d^ for the Custome of the like Clothes and soe rateably for the said other Commodities w^ch^ is 16^d^ lesse uppon every Cloth and soe after that rate for all other wollen commodities to his Mat^ies^ great losse and defrauding of his customes w^ch^ fraud hath contynued theis 14 yeres & more last past under colour of a privie seale granted by the late Queene Eliz. in the 33 yere of her raigne w^ch^ is determyned by her death, as is alledged, the said graunt or privie seale being then made but during her pleasure & the suggestion therin conteyned untrue as is conceived. That therefore his Ma^tie^ would be pleased to take notice of this usurpacon. And to grant unto the said S^r^ Thomas Dutton L'res pattents for y^e^ collecting & levying of the said 16^d^ uppon every Cloth Kersies or other Wollen commodities for the term of xxi^tie^ yeres to come paying unto his Ma^tie^ yerely therefore a Certayntie 200^li^ p' annū or else his Ma^tie^ to have y^e^ benefitt of one moyetie & thother half to y^e^ peticoner in recompence of his paynes and Charges

in collecting & levying the same w^ch^ peticon being referred by his Ma^tie^ unto y^e^ Lord Treasurer of England calling unto him M^r^ Attorney or M^r^ Soliciter gen'all or one of them: his lōp thought fitt ffirst to pray the opinion of the board touching the convenyency of the Suite who calling before them some of his Ma^ties^ ffarmors & offic's of the Customes for their better informacōn: Were given to understand that y^e^ Allegacōns of S^r^ Thomas Dutton in his peticōn touching the difference of xvi^d^ uppon a cloth were true & that in strictnes of Law it might be demaunded But y^t^ the practize hath bin for many yeres otherwise both in the Queenes tyme and his Ma^ties^ tyme that now is. And that such an abatem^t^ of Custome hath bin made by way of tolleracōn for that sort of commodity to give encouragem^t^ to the manufacture W^ch^ otherwise would decay were it not for his Ma^ties^ bounty in this kind & the farm's themselues confessed that when they took the farme they willingly consented to contynue those allowances p'swading themselues that if they should demaund it according to the rigor of Law they should but p'iudice themselues for the present, & his Ma^ties^ profitt hereafter All w^ch^ being duly considered by their Lop^s^ they did w^th^ one consent declare y^e^ suite unfitt to be granted to Sir Thomas Dutton or to any other p'son. And least any other man should attempt the like hereafter haue commaunded y^t^ this declaration of the Lop^s^ opinion touching y^e^ same shalbe entred into the register of Councill causes.'

Endorsed: 'Touching S^r^ Tho Dutton K^t^ & the llo. order ag.
his suite for the custome of certeine clothes
27 Mart 1618.'

Sir Thomas Dutton's military scheme.

(From Fortescue papers, Camden society, 1871, 129.)

SUIT FOR FARMING THE INLAND FORTS IN IRELAND—COUNSEL CANNOT ADVISE.

July 21, 1620.

'Yesterday the lords set into the business recommended by his majesty. . . . Then we entered into consideration of sir Thomas Dutton's suit for the inland forts in Ireland. In that counsel's letters and certificate we find they could not undertake to give us any advice for the fee farming of them, though that were the main point wherein we required their direct advice, neither do they give us any particular survey of the lands lying to every fort, but leave them so *in confuso*, as the lords found no reason to undertake to determine of that which is yet so unknown to them.'

Sir Thomas Dutton to secretary Conway.

Dated at Isleworth July 27, 1623.

(From state papers, domestic, James I., vol. cxlix., 168.)

REQUESTS A WARRANT FOR A HORSE AND GELDING FOR THE LOW COUNTRIES, WHERE HE INTENDS TO GO TEN DAYS HENCE.

'To the most honorabell Mr. Secretary Conway in all dutyes give this:

'Right honraball. The Kings Magistye at my umball Request at his leaving London grantyed me a passe for a horse and a geldynge I humbly Request your honour to get me a warrant signed and sent to me to Isillworth; for I mean god willing some 10 dayes hence to goe over in to the Lo: countryes to performe my duties there: and where so ever I shall be I will ever rest your honores thankefull and obedynt servants in all commandes as in dutye I am bound your humball sarvant

'poore

'Isillworth this 27 of Julyii 1623 'Thom Dutton.'

Endorsed: 'Julie 27, 1623, Sr Thomas Dutton ffor a warrant to carrie over a Horse and Gueldinge.'

Sir Thomas Dutton to the earl of Pembroke.

1625 (?).

(From state papers, domestic, James I., clxxxi. 25.)

BAD BEHAVIOUR OF HIS WILTSHIRE MEN, SOME OF WHOM HAVE DESERTED ON THE WAY TO DOVER—PRAYS FOR A WARRANT FOR A 'PRESS' ABOUT CANTERBURY TO MAKE GOOD THEIR LOSS—HAD IT NOT BEEN FOR PROCLAMATION OF MARTIAL LAW THEY WOULD HAVE PLUNDERED ALL KENT, HAVING BEATEN THEIR OFFICERS IN ALL PLACES.

'To the Right honoble my verie good Lord William Earle of Pembroke Lord Chamberlain to his Majesty at Court.

'Right Honoble. I am unfortunate ever to be troublesome yet I hope God will on daie enable me to showe myself thankfull. Yor Lopp shall understand by these inclosed papers howe badly I have bene delt wth by Wilkshiere men for by their muttinies before they left their owne Country 30 of them rann away; and since I have lost 20 more. I sent to the deputy Lieftenants for a supplie; by this

yo^{r} honor maie see theyr answers: what course to take I knowe not, to be supplied, without your honor wilbe pleased to move the Counsell, that there maie be warrant for a presse about Canterbury to fill up my number; and severe course to be taken in Wilkshiere to punish the Runawayes, for yo^{r} honor shall fynde that never company was better paid their meanes; (as appeareth by the certiffycate of the Towne they Lodge in;) never were people more unruly, till proclamation came for Marshall Lawe. Otherwaies I thinke ere this they would have plundered all Kent; for they have beaten theyr own officers in all placs.

'Good my Lord remember my humble duty to my Lady of Bedford, and to my Lord Steward. So, God ever blesse & prosper all yo^{r} affaires as to my death I shall ever honor & truly serve you.

'poore

'THOM DUTTON.

'I humbly entreat yo^{r} honors Answer and Assistance in some kynd or other.'

The Certificate referred to.

'Right Hono^{ble}. It may please you to understand, That S^{r} Tho. Duttons Company since theyr coming hither to Winsborough* have demeaned themselves very honestly and Civilly, as also they have bene paid duly theyr Eyght pence a day according to the usuall rate and allowance. And also upon the same proportion of eight pence *per diem* they have bene brought out of Wiltshire notwithstanding there hath divers gone out of the company which hath bene a greate weakeninge to S^{r} Thomas Duttons Company. Wherefore we leave it to yo^{r} Lop^{s} judiciall consideration that there maie be a supply to make it up againe. And so we rest yo^{r} honors humble servaunts to be commanded. And. Hughes

'Jasper Greene

'Signed × Edmond Neeme Constable
'Signed × Gwilliam Pollard.

'Winsborough* in the County of Kent the seventh day of January 1624(-5).'

Enclosed with the above is 'A list of the names of such Wiltshire men as are Runn from S^{r} Thomas Duttons company (as appeareth by his Roles indented in the country) taken the seventh of January 1624.' The deserters are forty-nine in number.

* Woodnesborough, a few miles from Dover.

Sir Thomas Dutton to the duke of Buckingham.

Dated at Sprang, March 22, 1625.

(From Fortescue papers, Camden society, 1871, 212.)

CONDITION OF THE ARMY AT SPRANG—FIVE THOUSAND MORE MEN REQUIRED—DESIRES HIS WIFE AND CHILDREN MAY HAVE HIS PAY DUE IN IRELAND.

'To his Excellency the Duke of Buckingham in all dutye, these at the Court, England.

'May it pleas your Excellency. If my fortune proves never so crose in my profession, yet the many bountys of your Graces favores, must comand my life when you ples. I am sorry your Grace's great desiers to have this army prosper has had so bad success, which is wholy to bee imputed to the cruelty of the wether, and so remote a place as Giteringberke (Gertrindenberg) assigned for our randevowes at this tyme of the yeare: and now wee are marched to our quarters at the Sprange* wee find them all plundered and spoyled of all forage and necessary provisions by the Princes of Orringes leauger, which has lyen in these partes all this yeare, and to speake truth our longe lyinge on shipboard, and the want of tranesport and provissions for our sicke men, which would noe wayes be gotten, has bine the meane cause of our great mortallity in generall.

'Now, as wee are, it is impossible for the English Army to march into the feild with honore till the be supplyed with 5000 good men, well armed and clothed, and besides a present supply of sherts stockings and showes to refresh those nasty ill men we have left, which have bine all poysoned for want of thes nesessarys: and in my judgement, the whole number now exceedes nott the number of 6000 men of all sortes. I know not what reporte may come to your Grace's handes, of our noble Generall's usage of us, but in my pore oppinion, hetherto, considering all exstremetys, it could not be well mended: and I thinke without the Kinge resolve to suffer him to do some thinge here to ruenat the Kinge of Spaines Army before Breda, our Generall wilbe able to doe nothinge in prosecutinge the Germayne Warres; the enemy beinge so powerfully possessed of all stronge places one the Rhyne: besides wee to leave to Spanish armey at our backes, and Tilli's armey and all the ill affected Germaynes to stope his passage, and starve him out without bloes, is to hazerdus in my opinion to adventure: but if wee fortune to give the enemy a bloue in these parts, in Godes name wee may hereafter march wee liste. I most

* 'Sprang in North Brabant, where the Dutch under prince Frederick Henry were watching Spinola's operations against Breda.'—Note by S. R. Gardiner.

humbly crave your Excellency to pardon the errore of these my dutys, because I preferre your honore above my life: And so rest in all dutyes

'Your Grace's humble servant

'Yoors [?]*

'Thom Dutton.

'Good my Lord, as I ever found your Grace kinde to me, so see my wife receave my meanes and what is dew to me in Ireland, to keepe her and my children and to pay my debtes in my absence, and God will reward you for it.

'From the Sprange, 22th of March 1625.'

Endorsed: 'Sr Tho. Dutton to my L.'

Sir Thomas Dutton to the duke of Buckingham.

Dated at London, October, 1627.

(From the Ballard MS., xi. 7, Bodleian library.)

REGRETS THE DUKE HAS NOT FOUND HIM A PLACE ON ACTIVE SERVICE WITH HIM—SENDS A PAIR OF PISTOLS WITH HIS DUTY, ONE OF WHICH HE WISHES WERE IN HIS OWN 'PATE' AT THE DUKE'S GLORIOUS RETURN.

'To his Excilensie the Ducke of Bockingame at the . . . of Royies in all Dutyies give thes.

'Moste Excilente su[r]

'Your Grase hathe thoute mee fiete to sharee in your favores at the Corte: and noue whene my profiecon was in Axcione you haue lefte mee out at your Dangeres:† it ware ill manores in mee to qustone your Excilensie off menne! But it is a Dutyie I oue to my one gratefulle natuere: to tell you it grives mee thate your Grase wille finde noe plase to fiete mee in to shoue you thate I ame as Constante to Rone the hazorde to Die by you: as I have a harte Desiruo(s)nes to live By your favores: if I colde Drese up mye grivefes in a languige fiete for your worthie Eres I wolde more larglye Exsprese my sellfe to your Excilensie: But I dare onlye sende you by this wryte nobell so[r] a pare of pistolles out of my dutyie: one of whiche I wishe ware in my pate at your gloruous Returne: Be case you thinke mee note honiste Enoufe to be whate I ame. Your Excilensis hartyie and most humbell saruant

'poor

'Thom. Dutton.

'London this (*sic*) of Octobere 1627.'

* This word queried by the editor, S. R. Gardiner, the historian, should read 'poore.' Sir Thomas Dutton frequently signs himself as 'poore Thom. Dutton.'

† The Duke of Buckingham's unfortunate expedition to Rochelle and the Isle of Rhé in the war with France.

XI.—THE FIRST BARON OF DUTTON

1658—1712

JAMES, FOURTH DUKE OF HAMILTON, MARRIED THE DUTTON-GERARD HEIRESS—CREATED BARON OF DUTTON IN 1711—GIVEN THE GARTER BY QUEEN ANNE—ABOUT TO GO AS AMBASSADOR TO FRANCE—QUARREL WITH LORD MOHUN—DUEL IN HYDE PARK IN 1712—THACKERAY'S VERSION OF THE DUEL IN 'ESMOND'—INVOLUNTARY BIGAMY—THE DEPOSITIONS—FAREWELL LETTER FROM THE DUKE TO HIS SON—DEAN SWIFT'S DESCRIPTION, 'AS MALICIOUS AS POSSIBLE'—TRIAL OF COLONEL HAMILTON—'AN EXCELLENT BALLAD'—MACCARTNEY'S VERSION—'JACK! COME IN.'

JAMES DOUGLAS, fourth duke of Hamilton, was created baron of Dutton by Queen Anne September 5, 1711, and at the same time duke of Brandon, in the peerage of Great Britain. The patents were challenged by the House of Lords, who resolved that no patent of honour granted to any peer of Great Britain who was a peer of Scotland at the time of the union could entitle such peer to a seat in the House. The writ of summons upon the creation was therefore refused. This resolution, as it gave offence to the Scottish peers, who thereupon discontinued their attendance, was amended to the effect that such peer might so sit, but only at the request of the peers of Great Britain. The duke, however, continued as a Scottish representative peer only, and never sat in the House under his new dignities.

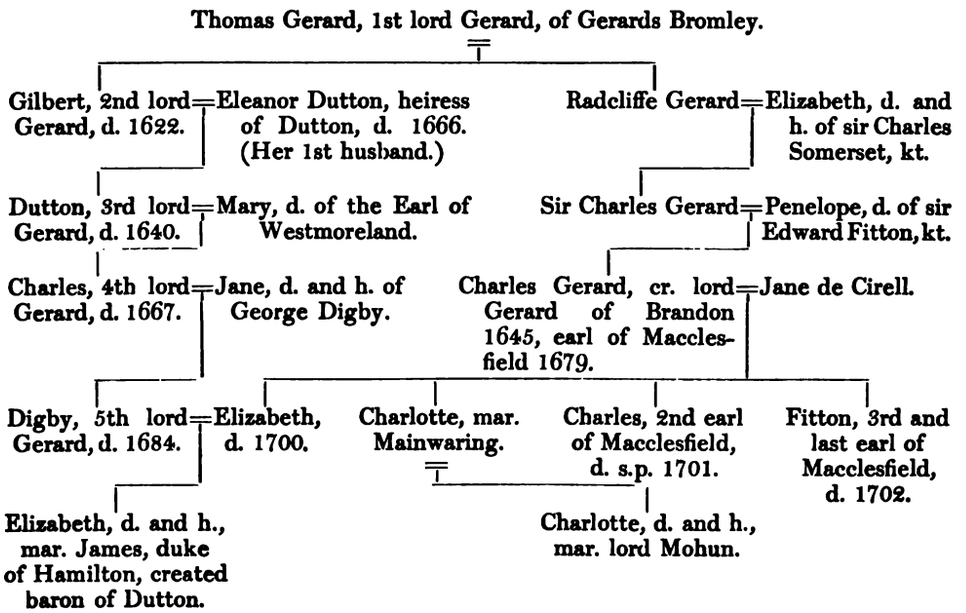
In each case the new titles were chosen from their association with the duchess's family. Her father, lord Gerard, was the great-grandson of Eleanor Dutton, the Dutton heiress, from whom the Dutton property, though not perhaps the manor itself, is supposed to have descended to the duchess; and her maternal uncles were successively lords Gerard of Brandon as well as earls of Macclesfield. Dean Swift describes the duchess as having 'abundance of wit and spirit, handsome and airy, and seldom spared anybody that gave her the least provocation, by which she had made many enemies and few friends' (Journal to 'Stella').

It is unnecessary to enter into the duke's political dealings, his early aspirations to the throne, and the queen's bountiful bestowal of honours upon him in the court, or tory, interest upon the 'fall' of Marlborough. Her majesty conferred upon him not only the two peerages, but also the garter, though he already had the thistle: then said to be an unprecedented honour for a subject to possess both the blue and the green riband. When it was represented to the queen, she replied that the

duke was worthy of every distinction, and that henceforth she would wear both orders herself.

The duke at the time of his marriage, in 1698, was a widower. It appears that he had the sum of £60,000 with the duchess; and that there had been a pre-nuptial agreement between himself and lady Gerard, his future mother-in-law, by which he had consented, in consideration of that amount, not to raise any question at law respecting any other property that her daughter might be entitled to; and he had entered into a bond for £10,000 for its fulfilment accordingly.

After his marriage the duke, understanding that by his agreement with his mother-in-law, he was depriving himself of an estate in right of his wife worth £5,000 yearly, declined to give the necessary release. He thereupon forfeited his bond, and exhibited a bill in chancery against it. His conduct is said to have broken his mother-in-law's heart and so hastened her end. Her brother, the second earl of Macclesfield, it is said, on account of the duke's behaviour, made his niece Charlotte, who had married lord Mohun, his sole heir, excepting what he left to his brother, the third and last earl, thus overlooking his other niece, the duchess of Hamilton. At the death of the last earl of Macclesfield, shortly after his brother, the whole of the Macclesfield estates are said to have passed to lord Mohun in right of his wife, which it seems the duke and duchess would have had if the duke had fulfilled his agreement with his mother-in-law. The duke thereupon required lord Mohun to render an account of lady Gerard's trusteeship, which entailed a long suit in chancery. The following pedigree shows the relationship between the parties, with the descent from Eleanor Dutton by her first husband, lord Gerard:


Thomas Gerard, 1st lord Gerard, of Gerards Bromley.
Gilbert, 2nd lord Gerard, d. 1622.
Eleanor Dutton, heiress of Dutton, d. 1666. (Her 1st husband.)
Radcliffe Gerard
Elizabeth, d. and h. of sir Charles Somerset, kt.
Dutton, 3rd lord Gerard, d. 1640.
Mary, d. of the Earl of Westmoreland.
Sir Charles Gerard
Penelope, d. of sir Edward Fitton, kt.
Charles, 4th lord Gerard, d. 1667.
Jane, d. and h. of George Digby.
Charles Gerard, cr. lord Gerard of Brandon 1645, earl of Macclesfield 1679.
Jane de Cirell.
Digby, 5th lord Gerard, d. 1684.
Elizabeth, d. 1700.
Charlotte, mar. Mainwaring.
Charles, 2nd earl of Macclesfield, d. s.p. 1701.
Fitton, 3rd and last earl of Macclesfield, d. 1702.
Elizabeth, d. and h., mar. James, duke of Hamilton, created baron of Dutton.
Charlotte, d. and h., mar. lord Mohun.

Although lord Mohun figures in history as a desperate character who fought several duels, was twice arraigned by his peers for murder, and generally has a bad name in the histories and romances of the period, it does not appear that he was any more to blame in this affair than his adversary.

It is generally admitted in the various published accounts of the duel that the incident which immediately occasioned it happened as follows: The duke and lord Mohun having met by appointment at the chambers of a master in chancery, after some argument between them, the duke remarked of one of lord Mohun's witnesses in the case, whose deposition it was proposed to read, that he had neither truth nor justice in him. Mohun thereupon retorted that he knew the witness to be an honest man, who had as much truth and justice in him as his grace. Nothing more was said and the duke departed, remaining for a few moments in the courtyard below, where lord Mohun passed him on his way out; but they took no notice of each other.

The best description of the duel is contained in the depositions of the various eye-witnesses of the occurrence taken after the event, which are here given. The duke was attended by a colonel John Hamilton (Jack), as his second; and lord Mohun had as second, a lieut.-general Maccartney, or rather Mr. Maccartney, as he had previously been deprived of his military employment by the queen. It will be observed that there was an old feud between the seconds themselves. There is no evidence to prove that Maccartney stabbed the duke as he lay wounded, as deposed by Hamilton (who later on had to leave the country to avoid a prosecution for perjury) and as asserted by dean Swift. The dean's evidence on this point is worthless, as the account of it which he wrote for the *Post-boy* he purposely made 'as malicious as possible,' as he owned to 'Stella.' The duke was not only conscious after receiving his wounds, but walked some steps and spoke to those about him, chiding an old servant who stood crying beside him; and he made no such charge against Maccartney, although immediately before the duke and Mohun drew, the duke is said to have told Maccartney that, 'let the event of this be what it will, you are the occasion of it.' Had there been any foul play, Maccartney should not have been allowed to leave the ground, whereas he afterwards passed the duke's coachman 'in grey clothes and a silver-laced hat,' walking leisurely with his arms folded in his sleeves, and his cane hanging from his wrist, and the coachman saw him go out of the park gate towards Kensington.

It appears from the medical evidence that the duke's death was entirely owing to the severance of 'the great brachial artery of the right arm,' and no surgical assistance being at hand. The duke had, however, the previous evening sent to Mons. Bussière, 'an eminent surgeon and professor in anatomy in Suffolk street near the Haymarket,' to make the necessary arrangements. Unfortunately, Bussière was in bed, 'being somewhat indisposed and inclining to sweat,' so that neither party had any surgeon in attendance. The duke and Mohun each received four wounds, Mohun's wounds being mortal from the first; and, to glance for a moment

The High Puissant & most noble Prince James Duke of Hamilton
in the Kingdom of Scotland Duke of Brandon in England &c Duke
Chatelherault in France, Marquis of Clidsdale, Earl of Arran Lanerk
Cambridge, Lord Aven, Polmont, Machanshire, &c Innerdale Baron of Dutton
in England &c of ye most noble Order of ye Garter, & of ye most ancient & noble Order
of ye Thistle; One of her Mat. most Hon. Privy Council Master Gen. of ye Ordnance Lord
Lieut. Vice Admiral Custos Rotulorum, & chief Ranger of ye Forests, of ye County Palatine
Lancaster & named Plenipotentiary, & Embass. Extraordinary from her Mat. & ye Qu
of France upon ye Conclusion of ye Peace

The first Baron of Dutton.
Killed in a duel with lord Mohun in 1712. (From a print.)

at the medical details, the wound in his right groin was such that the surgeon's hands met in it from either side, while three of the fingers of his right hand had been nearly severed. The duke, it appears, on receiving the right arm thrust, passed his sword to his left hand, and, being 'ambidexter,' was able to inflict a fatal wound upon his adversary's unguarded right.

Maccartney, in a few days, left the country and went to Antwerp, where the duke of Marlborough had previously retired. Maccartney's flight cannot fairly be imputed to any foul play in connection with the duel, as represented at the time. He was himself a partisan of Marlborough's, under whom he had fought; and like him, he owed his disgrace to the tories. He knew there would be a political outcry about it, as the duke was so highly regarded by the queen and court party, by whom he was about to be sent as ambassador to Paris upon the peace. By the influence of dean Swift a proclamation was issued, and a reward offered both by the government and by the duchess, for the apprehension of Maccartney. An amusing story is told by the dean that, after the offer of the reward, a gentleman in Ireland, being stopped by highwaymen, represented himself as Maccartney, when they at once took him before a justice, to their own confusion.

Maccartney's version of the affair, printed by a friend, is also given in this work. It is well written, and reads very plausibly; but the friend's description of Maccartney should be remembered, that he was not only a soldier, but 'a man of letters and master of most of the subjects he has applied himself to.' He returned and surrendered himself upon the accession of George I., when he was tried and convicted of manslaughter and formally branded in the hand, but with a cold iron. He was reinstated in his military employment, and eventually attained high rank in the army. Col. Hamilton had previously been similarly convicted and discharged.

Perhaps the most curious use that has been made of the historical circumstances of the duel is its introduction by Thackeray into his novel of 'Esmond,' written with all the consummate charm of that great writer. His description, so long as he keeps to fact, is at once as accurate and more entertaining than history. He says of the duke: 'When the whigs went out of office in 1710, the queen began to show his grace the very greatest marks of her favour. He was created duke of Brandon and baron of Dutton in England, having the thistle already originally bestowed upon him by king James the second; his grace was now promoted to the honour of the garter, a distinction so great and illustrious that no subject hath ever borne them hitherto together. When this objection was made to her majesty, she was pleased to say: "Such a subject as the duke of Hamilton has a pre-eminent claim to every mark of distinction which a crowned head can confer. I will henceforth wear both orders myself."' But Thackeray then proceeds to state that the duke was a widower, and represents him, for the purpose of his novel, as the accepted suitor of Beatrix Esmond, thus in reality making the duke attempt an involuntary bigamy, as the duchess was of course

living. This is strange, particularly as Thackeray, in his more serious moments, though perhaps still humorously, seems to have considered the writing of history rather than of fiction to be his true *métier*.

The Depositions.

(From 'The case at large of the duke of Hamilton and lord Mohun,' Lond., 1712.)

'Deposition of Rice Williams, footman to lord Mohun.

'Rice Williams, my lord Mohun's footman, swore: "That on Thursday Nov. 13th, his lord went to Mr Orlebar, a master in chancery's chambers, where he met duke Hamilton. He heard them talk angrily. The door at which he waited being open, he further heard the duke at the reading (as he supposed) of Mr Whitworth's deposition, say, that the evidence he had given had neither truth nor justice in it. To which his lord replied, he knew Mr Whitworth to be an honest man and had as much honour and justice in him as his grace.* Then the door was shut. Soon after the duke came down and stayed in the Court to . . .; my lord Mohun came down also and passed by the duke without taking any notice of him. My lord supped at the Queen's arms in Pall Mall and from thence went home to bed. He went out about nine the next morning to general Maccartney's lodgings, where he stayed about half an hour. Col. Jos. Churchill lodging in the same house with general Maccartney, this deponent took an opportunity to tell him, he feared his lord and duke Hamilton would quarrel. Upon which the colonel went up to lord Mohun and told him what his footman had said. A little while after my lord called up this Williams and asked him why he concerned himself with his affairs, saying there was nothing in it and the report of such a thing might do him harm; then he sent him to the Globe tavern to bespeak a dinner. His lord and gen. Maccartney went thither about one a-clock and soon after sir Robert Rich and col. Joseph Churchill came where they dined all together. His lord supped at the Queen's arms in Pall Mall with the duke of Richmond, sir Robert Rich, col. Jos. Churchill and a gentleman he did not know. About twelve o'clock his lord sent him of an errand; when he returned his lord was gone. He asked the drawer whither he was gone, but could not learn, so he went to the bagnio in St. James's street and two other places to seek him, but not finding him, he went home. In the morning about seven o'clock going into Piccadilly he

* 'Mr. Thornhill, lawyer, called in, who was present on Thursday at the master in chancery when they fell out, says upon offering to read one Whitworth's evidence, who had been excused two years before for his age, upon which duke Hamilton said he did not believe he would speak true, upon which lord Mohun said as true as his grace; that the duke came to his chambers on Thursday, and desired him to continue his care of his cause.'—Minutes of privy council, Hist. MSS. Com. Rep. xi., App. V., 311.

saw duke Hamilton and a gentleman with him in his own coach driving towards Hyde park, which confirmed him in his belief that my lord and duke Hamilton were going to fight. He ran up Mayfair being the nearest way and endeavoured to get over the park wall, which he was long a-doing. He went near the place where the two lords with their seconds were and saw the two lords draw their swords pushing at each other with great violence, upon which they both immediately fell. He then ran in and found his lord almost dead. A hackney coachman that was there told him that 'twas he who brought his lord. Gen. Maccartney bid them put him into the coach and carry him to his house in Marlboro' street, which they did."'

Deposition of Richard Hippesley, porter to the duke of Hamilton.

'Richard Hippesley, porter to the duke of Hamilton, swore: "That on Friday, the 14th in the morning, lieut.-general Maccartney came in a chair to speak with his lord, told this deponent he was a gentleman come out of the north and had some business with his grace; and that he wrote down his name in his book and told his grace of it, who asked what sort of a man he was? Whom he described as well as he could. That he likewise came again three several times and the last time about 4 a clock, when he saw the duke, with whom he stayed but a short time and the duke complimented him to the door and he went away."'

('The substance of all the depositions' adds that the duke said: 'Sir, I am your most humble servant.')

Deposition of John James, drawer at the Globe tavern.

'John James, drawer* at the Globe-tavern in the Strand, swore: "That the lord Mohun's footman came to bespeak a dinner and my lord Mohun and general Maccartney came by themselves to the eating of it; and col. Jos. Churchill and sir Robert Rich, came afterwards and dined with them, they drinking no more than a flask of claret. General Maccartney went away and stayed about half an hour; and when he came again he called my lord Mohun into another room, where they stayed about a quarter of an hour, and then they returned both to their company, my lord Mohun and general Maccartney going away soon after by themselves."'

Deposition of John Sisson, drawer at the Rose tavern.

'John Sisson,† drawer at the Rose tavern, swore: "That on Friday evening 14th of November, about five a clock, my lord Mohun and another gentleman were

* 'One whose business is to draw liquors from the cask.'—Dr. Johnson's 'Dictionary.'

† In the printed account of the trial of colonel Hamilton the deponent is named 'Isaac Sison.'

there. The gentleman asked whether stars and blue garters did not use the house? He answered 'Yes.' Then he asked him whether duke Hamilton did not come there sometimes? The drawer answered 'Yes.' The gentleman said he would be here in a short time and when he came he should show him into another room. The duke came soon after with another gentleman and asked for general Maccartney, who hearing his grace ask for him came immediately out to him and the duke and he went into a room together. They bid the drawer bring a bottle of French claret and they two drank part of it. General Maccartney returned to my lord Mohun and in about a quarter of an hour the duke and other gentlemen, who stayed in another room while the duke and general Maccartney were together, went away."'

Deposition of John Chaloner, waiter at the bagnio.

'John Chaloner, waiter at the bagnio in Long Acre, swore: "That my lord Mohun coming to the bagnio, he lighted him upstairs, pulled off his stockings and shoes and gave him his morning gown. Then my lord Mohun walked up and down the room with his arms folded and seemed to be thoughtful, but was very sober and said he would go to bed. General Maccartney came there about an hour after, my lord being a bed in the same room. Maccartney not liking the fellow that waited on my lord Mohun called for another, whom he asked If he loved the French :* the fellow said 'No.' He bid him call him in the morning at six a clock and found him snoring."'

Letter from the duke of Hamilton to his son, written the night before the duel.

(From 'Memoirs of the life and family of the duke of Hamilton,' Lond., 1717.)

'To my dear son the marquess of Clydesdale.

'London, Nov. 14, 1712.

'My dear son,

'I have been doing all I could to recover your mother's right to her estate, which I hope shall be your's. I command you to be dutiful towards her, as I hope she will be just and kind to you. And I recommend it particularly to you, if ever you enjoy the estate of Hamilton and what may I hope justly belong to you, (considering how long I have lived with a small competence which has run me in debt) I hope God will put it into your heart to do justice to my honour and pay my just debts. There will be enough to satisfy all and give your brothers and sisters such provisions as the state of your condition and their quality in Scotland will admit of.

* In allusion to the treaty of peace with France, which the Tory ministry was then negotiating.

Lord Mohun.
Killed in a duel with the duke of Hamilton in 1712. (From a print.)

'I pray God preserve you and the family in your person. My humble duty to my mother and my blessing to my sisters. If it please God I live you shall share with me what I do possess and ever prove your affectionate and kind father whilst

'HAMILTON.

'I again upon my blessing, charge you, that you let the world see you do your part in satisfying my just debts.'

Deposition of Andrew Clark, coachman to the duke of Hamilton.

'Andrew Clark, coachman to duke Hamilton swore: "That he was ordered to be at the door by six in the morning, on the 15th of November, but that the bell had just done ringing seven when he took his lord in, being ordered to the 'Golden peruke' at Charing cross. Here his lord alighted and after a little stay returned with col. Hamilton with him. That he was then ordered to drive to St. James's house, but coming to the corner of St. James's square, next my lord Portland's house, his lord pulled the string for him to stop; and it was then his grace gave John Lesley, the footman, a bunch of keys and he returned with a sword as he has sworn before. That he was ordered to drive to the upper end of St. James's street, when his lord pulled the string again and he stopping thereupon was ordered to drive directly to Kensington. But as soon as he came over the bridge near half way, his lord pulled him again to stop and the footman alighting, helped my lord duke over the ditch and col. Hamilton followed him. That his grace ordered him at first to drive without the park gate and there stay for him, but soon changed his words and ordered him to go and wait at the white pales the corner of the new way. That seeing his lord walk over the grass he began to suspect what he was going upon and made a stop or two to look after him, but that his grace turned and looked very sternly at him, bidding him go where he was ordered and likewise the footman and col. Hamilton's boy and not stir thence for their lives till he came to them. That then he thought it not prudent to dispute his lord's commands further and therefore drove to the place appointed, where he stayed a considerable time and at length saw gen. Maccartney come by him with his arms folded in his sleeves and his cane hanging on his wrist whom he saw go out of the park gate towards Kensington. That soon after col. Hamilton came and his lord's footman with him who opened the coach door for him; that he perceived him to bleed and was ordered by him to drive through the town to Kensington gravel pits, from thence he drove on to St. Giles's ground; and that he was under such a consternation for fear of his lord, that he scarce knew where he drove, till he came to Holborn bridge and that there he stopped the coach and told the colonel he would drive no further, who desired him then to go into that house (the Rose) and bespeak him a fire, which he did and there left him and returning home saw a crowd about the door and heard that his lord had been killed."'

Deposition of John Pennington, hackney-coachman.

'John Pennington, Hackney-coachman, swore: "That on Saturday morning (Nov. 15) about seven a-clock he was called from Bow street in Covent garden to the bagnio in Long acre, where he took up my lord Mohun and another gentleman. My lord Mohun bid him drive to Kensington, but when he came near Hyde park he ordered him to drive in there. They were stopped at the gate, but telling the keeper they were going to Price's lodge, he let them in. My lord then asked the coachman if he knew where they could get anything that was good? He said 'at the house near the ring.' When they came near the house they both got out of the coach and bid the coachman get some burnt-wine at the house while they took a little walk. He went into the house and told the drawer he brought two gentlemen, who bid him get some burnt-wine against they came back. The drawer said he would not, for very few came hither so soon in the morning but to fight. The coachman said he believed they were very civil gentlemen but, however, he'd dog them. A groom rode up to him and told him there were two gentlemen at his coach, who he supposed wanted him. He ran back and found duke Hamilton and another gentleman there. The duke asked him whom he brought? He answered 'my lord Mohun and another gentleman.' He asked him which way they were gone? He showed them and ran to the house, telling the man that duke Hamilton and a gentleman followed my lord Mohun and the other gentleman and that he feared they were going to fight. He desired the man to make all the haste he could and bring any body he could with staves to prevent them, for he feared there would be a murder and he'd run before. He got behind a tree within 50 yards of them, from whence he saw the duke throw off his cloak and my lord Mohun his coat and both drew their swords, making violent passes at each other: upon which they both fell he being then within 30 yards of them. He was asked 'Whether the two other gentlemen drew their swords and how far they were from the lords when they fell and whether they fought or not?' He answered 'They drew their swords but did not fight and that they were some yards distant from the lords when they drew and continued so when they fell.' He was asked again if the seconds fought? He answered 'They did not, but ran to the lords when they fell.' Two men who followed him from the house with staves were not more than 4 yards behind the seconds; which two men with their staves demanded their swords, which they readily delivered. He being asked 'Which of the lords was uppermost?' He said he could not tell. He then ran for his coach. My lord Mohun's footmen and the two men put my lord into this Pennington's coach; my lord being almost dead his second bid him carry him to his lodgings in Marlboro' street. The coachman asked him who must pay him? He said the footman. The coachman took him by the sleeve and said he brought him as well as my lord and that he should pay him, then he gave him half a crown. He was asked if he

knew who that gentleman was? He said 'twas general Maccartney, the footman having told him so as they were carrying my lord Mohun to Marlboro' street."'

Deposition of John Reynolds, park-keeper.

'John Reynolds, of Price's lodge in the park, swore: "That hearing of a quarrel, he and one Nicholson, got staves and ran to part them. That he, Reynolds, was within 30 or 40 yards of duke Hamilton and my lord Mohun when they fell. That my lord Mohun fell into the ditch upon his back and duke Hamilton fell near him, leaning over him. That the two seconds ran into them; and immediately after them this John Reynolds who demanded the seconds' swords, which they gave him without any resistance. He then wrested the duke's sword out of his hand; and Nicholson took away my lord Mohun's and gave it to Reynolds, who carried the four swords some distance from the parties. He returned and helped to lift duke Hamilton up who still lay on his face. He got him up and he walked about 30 yards, they desired him to walk further and he said he could walk no further. He" (the deponent) "was asked what became of their swords and he said they had not been out of his possession from the time he took them out of the parties' hands till the day they were brought to the jury."'

Deposition of Joseph Nicholson, labourer.

'Joseph Nicholson, labourer, swore: "That John Reynolds, drawer at Price's lodge, came out of the house with two sticks, bid him throw by his wheelbarrow and take one of them, for he believed there was a duel. They ran and about the distance of 110 yards from the gentlemen, they saw one there throw off his cloak and he and another draw their swords: two other gentlemen drew their swords at the same time. The duke and lord Mohun (whom he knew afterwards to be so) made violent passes at each other and then fell. He was asked if the other two fought. He said that they stood with their swords pointed towards each other, but did not see them fight. As soon as the lords were down the two gentlemen ran to them and were about 4 yards before John Reynolds, he being about 4 yards behind John Reynolds, by reason they fell when they first began to run. When Reynolds and Nicholson came in, one second had hold of one lord's sword hand and the other second of the other, each of the seconds' swords being in their right hands. The seconds delivered their swords to John Reynolds without any resistance and desired them to break or bend them. They bent general Maccartney's but could not the other and then laid them by. John Reynolds took the duke's and Nicholson my lord Mohun's, who said he was wounded and would deliver his sword if the duke would his. He likewise heard the duke's second say, 'By G—d, my lord duke's killed'; and the other said 'By G—d, my lord Mohun's killed.' The former then

said 'We've made a fine morning's work on't.' Then general Maccartney, as he afterwards appeared to be, took this Nicholson by the hand and said to him, 'Honest friend, bear witness that we endeavoured to part them; and pray remember that I in the grey clothes and silver-laced hat tell you so.' When Reynolds had taken up my lord duke Nicholson and General Maccartney endeavoured to lift up my lord Mohun, Nicholson said 'I believe he's dead.' Maccartney answered 'God forbid: perhaps his bleeding inwardly may make him sick: turn him on his side that his wound may bleed outwards,' which was done. Then general Maccartney desired he might be turned on his belly, which also was done. Nicholson, my lord's footman and others, helped my lord Mohun into the coach by general Maccartney's direction. He was asked how he knew they were duke Hamilton and lord Mohun. He answered 'By hearing people say so.' He was likewise asked what became of the other two gentlemen. He answered, he could not tell."'

Deposition of William Morris, groom to maj.-gen. George.

'Will. Morris, groom to maj.-gen. George, swore: "He was on horseback within 10 yards of duke Hamilton and the lord Mohun when they drew their swords; and that he continued so during the action, being so near that he heard them groan when they fell. He said further that he rode and fetched a coach for the duke which carried him home. The rest of his evidence is agreeable to that of the others."'

Evidence of Mr. Ferguson, gentleman of the horse to the duke.

(From minutes of privy council, Hist. MSS. Com. Rep. xi., App. V., 311.)

'Mr. Ferguson, gentleman of the horse to duke Hamilton, called in, says the duke told him just before he went out that he was going to vindicate his honour, but charged him not to speak of it, but fetch a surgeon to the park. He went for Bussière, but could not find him, but carried his man, but as soon as he came lord Mohun was dead, and the duke dying chid him for crying, and bid him carry him to the lodge, but he told him no circumstances of the quarrel, or who it was with, but ordered him to ask no questions.

The medical evidence.

'Dr. Ronjat, serjeant surgeon to his late majesty, was sent for to the duke of Hamilton's. He came about eight o'clock in the morning and found his grace dead upon the bed in his clothes, which he presently cut off and upon searching the body

carefully observed that the artery of the right arm was cut in two, which he judged to be the immediate occasion of his death. He found likewise another wound on the left side of his breast, three inches above the nipple, two inches broad, running obliquely from the left to the right and above eight inches deep. Besides these, a third wound in the right leg, about three inches broad, running from the outside of the shin-bone obliquely under the calf.

'Mr. Bussière's man was present when Dr. Ronjat viewed the body and Mr. Bussière himself went next day to open the body.

'When the lord Mohun's body was brought home, his chaplain went to Mr. La Faye, an able surgeon, who upon his coming found three wounds, one on the right side, penetrating obliquely the whole body and coming out on the left above his hip: another very large one in the right groin, cutting the great artery which he took to be the principal cause of his death. He had three fingers of his right hand almost cut off. Mr. La Faye opened the body.'

(The following additional evidence of the kind is taken from 'The true and impartial account of the duel' (Lond., 1712, p. 31.)

'The same evening between 10 and 11 o'clock the duke of Hamilton sent one of his footmen to Monsieur Bussière, an eminent surgeon and professor in anatomy, in Suffolk street near the Haymarket, desiring him to come to him. Mr. Bussière being in bed, somewhat indisposed, and inclining to sweat enquired whether his grace was ill? And the servant answering he did not appear to be so, Mr. Bussière thereupon desired him to acquaint his grace that he found him in bed, but however, if there was any present necessity, he would immediately attend his grace notwithstanding his indisposition, otherwise he would wait upon him in the morning. The duke not sending a second message, Mr. Bussière did not stir out of bed, which clears him of the false imputation that he knew of the duel and might have prevented it. . . . About a quarter or twenty minutes past seven, Mr. Ferguson, steward to the duke, came to Mr. Bussière and told him his immediate attendance was desired in Hyde park. Mr. Bussière asking "By whom?" and there being people in the room, Mr. Ferguson whispered him in the ear, whereupon Mr. Bussière, who was in his nightgown and slippers, seeing the urgent necessity, called up his man, bid him go along with the gentleman and said he would soon follow himself though he was to attend my lady H—y at eight that morning.'

Deposition of John Lesley, footman to the duke of Hamilton.

'John Lesley, footman to duke Hamilton, swore: "That the duke sent him to colonel Hamilton's lodgings at the 'Golden peruke' at Charing cross, to desire him to get up and dress him[self], for his lord would come in his coach and call him. Being returned back he found the duke was just getting into his coach and he got up behind. The duke then drove to the colonel's lodgings and went up to him.

Soon after they both came down together, got into the coach and bid them drive to St. James's house, but stopped the coach at the corner of St. James's square, where my lord Portland lives and the footman coming down from behind the coach, my lord duke gave him a bunch of keys out of his pocket and bid him go to such a closet and bring his mourning sword, which he did and gave it into the coach to colonel Hamilton; and colonel Hamilton gave his sword out and bid the footman give it to the boy behind the coach. He then ordered the coachman to drive to the upper end of St. James's street. When he came there he bid them drive directly to Kensington; and when they came into Hyde park, the duke went out of the coach in the road that goes to Kensington, over against Price's lodge and walked over the grass and between the two ponds. When he went out of his coach, he charged his coachman, footboy and col. Hamilton's boy to go and stay at the corner of the white pales. The footman thinking his grace long went towards the place where he sat them down, and there first met general Maccartney walking towards Kensington; and immediately after he met col. Hamilton and asking him for his lord, told him, this was the worst morning he ever saw, for he feared his lord was mortally wounded. The footman asked 'By whom?' Col. Hamilton answered 'my lord Mohun.' Then the colonel asked the footman where his lord's coach was? He answered him 'near the white pales near Kensington.' He desired the footman to walk fast and show him to it. He was asked how far general Maccartney was before them? The footman answered that he was in sight walking towards Kensington."'

Deposition of colonel Hamilton, the duke's second.

Colonel Hamilton's examination before the council, viz.: 'That on Saturday morning, the 15th inst., duke Hamilton sent his servant to col. Hamilton, desiring him to get up and dress immediately, but before he was half ready, the duke himself came and hurried him into his chariot so soon, that he finished the buttoning of his waistcoat there. By that time they had got into Pall Mall, the duke observed that the colonel had left his sword behind him, whereupon he stopped his chariot and gave his footman a bunch of keys, with orders to fetch a mourning sword out of such a closet. At the return of the footman they drove to Hyde park where the coachman stopped and the duke ordered him to drive on to Kensington. When they came to the lodge they saw a hackney coach at a distance, in which, his grace said, there was somebody he must speak with; but driving up to it and seeing nobody he asked the coachman where the gentlemen were whom he brought? He answered "A little before." The duke and the colonel got out in the bottom and walked over the pond's head, when they saw the lord Mohun and col. Maccartney before them. As soon as the duke came within hearing he said he hoped he was time enough, and Maccartney answered "In very good time, my lord." After this

they all jumped over the ditch into the nursery; and the duke turned to Maccartney and told him "Sir, you are the cause of this, let the event be what it will." Maccartney answered "My lord, I have a commission for it." Then my lord Mohun said "These gentlemen shall have nothing to do here." At which Maccartney said "We'll have our share." Then the duke answered "There is my friend then, he will take a share in my dance." They all drew immediately and Maccartney made a full pass at Hamilton, which he parrying down with great force wounded himself in his instep. However, he took that opportunity to close with and disarm Maccartney and said "Your life is in my power." After which he turned his head and seeing my lord Mohun fall and the duke upon him, he ran to the duke's assistance, and that he might with the more ease help him, he flung down both the swords. And as he was raising my lord duke up, he says, that he saw Maccartney make a push at his grace, that he immediately looked to see if he had wounded him, but seeing no blood, he took up his sword expecting that Maccartney would attack him again but he walked off. Just as he was gone, the keepers came up and others to the number of nine or ten, among the rest Ferguson, my lord duke's gentleman, who had brought Buissière's man with him; who opening his grace's breast, soon discovered a wound on his left side, which came in between the left shoulders and pap and went slantingly down through the midriff into his belly.'

Colonel Hamilton's examination before the privy council is as follows:

'(Nov. 21, 1712.) Colonel Hamilton called in, and the lord keeper desired him to give an account of what passed in the duel, and that he might say nothing that could hurt himself desired him to confine himself to the transactions of Saturday and gave him the reasons why. Then colonel Hamilton was sworn. He said the duke sent a servant to him called Lesley at seven o'clock in the morning to get up and dress himself, and after the duke came himself and sent word he stayed for him in his own coach below; but came up soon after and desired him to get ready, which he did immediately. And the duke put on his shirt for him and hurried him down that he had not his sword with him, which the duke took notice of, and bid his coachman stop and sent his servant with his keys and look in such a closet he would find a black sword, which he brought, and the duke laid it upon the fore part of the coach and bid him drive towards Kensington. When he came to Hyde park he saw a hackney coach upon the right hand, and said those were the gentlemen he must speak with, got out and crossed the ditch and ordered the coach to drive on to Kensington gate. They went up to the lodge, went through the house and asked the hackney coachman where the gentlemen were whom he brought. He answered they were walking a little further; and they went on till they met lord Mohun, whom he never saw before, and Mr. Maccartney; and the duke said "My lord, have I come time enough?" and Maccartney answered "Time enough." Then lord Mohun jumped the ditch, Maccartney after him. The duke pulled off his cloak, and he and the duke followed them. The duke said to Mr. Maccartney "Let the

event of this be what it will, you are the occasion of it." My lord Mohun said "My lord duke, these two gentlemen shall have nothing to do"; and Maccartney answered the duke "I had a commission for it." Then Maccartney said "We will take our shares," to which the duke answered "Here is my friend, he will take his share in my dance." Then they drew and Maccartney's sword was out as soon as the lord's and pushed immediately at Mr. Hamilton, who beat down his sword which hurt his leg and then closed with him and secured his sword, and looked back and saw the two lords upon the ground; upon which he wrested the sword out of his hand and took both swords with him and went . . . to help duke Hamilton, whom he found upon lord Mohun. He laid the two swords by and laid hold of the duke with both hands. He heard lord Mohun say "I am killed"; and when he had the duke in his arms, he asked him how he was, seeing him all blood. The duke made no answer, and he saw Maccartney with a sword, he can not tell what sword, make a push at the duke. He opened his breast and saw no blood, asked him again how he did; he answered "I am wounded," upon which he took up his own sword in case Maccartney should have made another attempt upon them. He led the duke to a tree where he sunk down and called for his coach. Then one Mr. Ferguson, a servant of his, whom Mr. Hamilton never saw before, he asked him for his coat, and Ferguson said "I have a surgeon here," and went to fetch him from the house. As soon as he came he opened his coat and found a wound upon his left breast which never bled, tho' it was a large orifice which he took to be the wound given him by Maccartney. He thought when he saw Maccartney push at the duke it had been at him, and asked him what he meant but he made no answer but got away, and then he helped the duke into the coach. He says he saw a man in a red cloak lined with blue whom he sent for the duke's coach and gave him some money. There were several people by who all assisted lord Mohun and helped him into the coach, but took no notice of the duke, but left him alone with him, and nobody came to them till Mr. Ferguson and the surgeon. He says the duke and lord Mohun had both their swords in their right hands when he came up to them, and held them very fast.' (Extracts from the minutes of the privy council, Hist. MSS. Com. Report XI., App. V., 311.)

A little further information is given in the minutes of the privy council taken by lord Dartmouth, and printed, but unfortunately abridged, in the 11th report of the Historical MSS. Commission as above. Maccartney's man wore a green livery, and after the duel he went to the bagnio, kept by Mr. Ame, and said lord Mohun was killed, and his master would be hanged, whose 'portmantle' he would take, as his master owed him some wages.

Brown, lord Mohun's valet, said he was in the country with my lady, and knew nothing of the affair.

Mr. Woodward, surgeon, said he was sent for by a gentleman (col. Hamilton) to the Half moon in Cheapside to dress his wound. He found that he was cut through the shoe and stocking across the instep of the left foot, but he would not

tell his name, and ordered him to meet him at the Rose somewhere, but he never heard of him since.

Mrs. Beard, Maccartney's landlady, refused to attend the council without a warrant, and was to have one accordingly.

Dean Swift's description of the duel in his journal to 'Stella,' November 15, 1712.

(Swift's 'Works,' edit. 1766, x. 118.)

'Before this comes to your hands, you will have heard of the most terrible accident that hath almost ever happened. This morning, at eight, my man brought me word, that duke Hamilton had fought with lord Mohun, and killed him, and was brought home wounded. I immediately sent him to the duke's house in St. James's square; but the porter could hardly answer for tears, and a great rabble was about the house. In short, they fought at seven this morning. The dog Mohun was killed on the spot; but, while the duke was over him, Mohun shortened his sword stabbed him in at the shoulder to the heart. The duke was helped towards the cake house by the ring, in Hyde park (where they fought) and died on the grass, before he could reach the house; and was brought home in his coach by eight, while the poor duchess was asleep. Maccartney and one Hamilton were the seconds, who fought likewise and are both fled. I am told, that a footman of lord Mohun's stabbed duke Hamilton; and some say Maccartney did so too. Mohun gave the affront and yet sent the challenge. I am infinitely concerned for the poor duke, who was a frank, honest, good natured man. I loved him very well, and I think he loved me better. He had the greatest mind in the world to have me go with him to France, but durst not tell it me. . . . They have removed the poor duchess to a lodging in the neighbourhood, where I have been with her two hours and am just come away. I never saw so melancholy a scene; for indeed all reasons for real grief belong to her; nor is it possible for anyone to be a greater loser in all regards. She has moved my very soul. The lodging was inconvenient, and they would have removed her to another, but I would not suffer it, because it had no room backwards, and she must have been tortured with the noise of the Grub street screamers ringing her husband's murder in her ears. . . . I sent a letter early this morning to lady Masham to beg her to write some comforting words to the poor duchess. . . . She has promised me to get the queen to write to the duchess kindly on this occasion; and to-morrow I will beg lord treasurer to visit and comfort her. I have been with her two hours again and find her worse. Her violences not so frequent but her melancholy more formal and settled. She has abundance of wit and spirit; about thirty-three years old; handsome and airy; and seldom spared anybody that gave her the least provocation: by which she had many enemies and

few friends. Lady Orkney, her sister-in-law, is come to town on this occasion; and has been to see her, and behaved herself with great humanity. They have been always very ill together, and the poor duchess could not have patience, when people told her I went often to lady Orkney's. But I am resolved to make them friends; for the duchess is now no more the object of envy, and must learn humility from the severest master, affliction. I design to make the ministry put out a proclamation (if it can be found proper) against that villain Maccartney. . . . I was to-day at noon with the duchess of Hamilton again, after I had been with lady Orkney, and charged her to be kind with her sister in her affliction. The duchess told me lady Orkney had been with her, and that she did not treat her as gently as she ought. They hate one another, but I will try to patch it up. I have been drawing up a paragraph for the Post-boy to be out to-morrow and as malicious as possible. . . . I dined at lord treasurer's . . . he promises to visit the duchess to-morrow and says he has a message to her from the queen. . . . I was just now with the duchess to let her know lord treasurer will see her. She is mightily out of order. . . . We suspect Maccartney stabbed the duke while he was fighting. The queen and lord treasurer are in great concern at this event . . . duke Hamilton avoided the quarrel as much as possible according to the foppish rules of honour in practice.'

Proclamation for the arrest of Maccartney.

(From a copy in the British Museum.)

'By the Queen

'A Proclamation,

'For seizing and apprehending George Maccartney esq., commonly called lieutenant general Maccartney.

'Anne R.

'Whereas on Saturday the fifteenth day of this instant November, James duke of Hamilton and duke of Brandon, and Charles lord Mohun, in high contempt and open defiance of our laws, pursuing their private animosities, fought a duel in Hyde park; and John Hamilton esq., was second to the said duke, and the said George Maccartney was second to the said lord Mohun; and the said duke and lord Mohun were killed: And whereas by an inquisition taken the seventeenth day of this instant November, before Charles Lowe gent. coroner of the liberty of the dean and chapter of the collegiate church of St. Peter of Westminster, of the city, borough, and town of Westminster, on the view of the dead body of the said duke, It is found, That the said Charles lord Mohun, on the said fifteenth day of November,

did murder the said duke, and that the said George Maccartney and John Hamilton, at that time were present, aiding, abetting, assisting and maintaining the said lord Mohun to commit the said murder; and that the said George Maccartney is fled for the same: And by another inquisition taken before the said coroner, on the view of the dead body of the said lord Mohun, It is found, That the said duke did murder the said lord Mohun, and that the said George Maccartney and John Hamilton were present at aiding, abetting, assisting, and maintaining the said duke to commit the said murder; but the said John Hamilton hath voluntarily surrendered himself, in order to his trial; We desiring to manifest our utmost displeasure against such horrid and impious practices, and to deter all others from committing the like for the future, and that the said George Maccartney may be brought to speedy justice, do, by the advice of our privy-council, issue forth this our royal proclamation, hereby commanding and requiring all our justices of the peace, and all other our officers, and other our loving subjects, That they do use their utmost diligence, in their several places and capacities, to discover, seize and apprehend the said George Maccartney, and, being apprehended, to carry him forthwith before the next justice of the peace, whom we do hereby require to commit him to the gaol of the county, where he shall be so taken charg'd with the murder of the said duke, and to give immediate notice thereof to one of our principal secretaries of state. And we do hereby promise and declare, that whosoever shall discover and apprehend the said George Maccartney, and bring him before such justice of the peace, shall have and receive the reward of five hundred pounds for so doing, whereof our high treasurer is hereby authorized and requir'd to make payment. And we do hereby publish and declare, that if any person or persons, after the issuing of this our royal proclamation, shall, directly or indirectly, conceal, harbour, keep or maintain the said George Maccartney, or shall be aiding or assisting to him in making his escape, or preventing his being taken or arrested, such person or persons, so offending, shall be prosecuted for the same with the utmost severity of the law.

'Given at our court at Windsor, the twenty-fourth day of November, in the eleventh year of our reign.

'God save the Queen.

'London, printed by John Baskett, printer to the queen's most excellent majesty, and the assigns of Thomas Newcomb, and Henry Hills, deceas'd, 1712. (Price one penny.)'

'An Excellent Ballad of the Lord Mohun and Duke Hamilton.

'With an Exact Account of their Melancholy Deaths.'

(From a copy in the British Museum.)

'Come all ye people far and near,
Of high and low degree;
Sad tidings I have brought you here,
And therefore mourn with me.

'It was a sad unhappy chance,
It was, I need must say;
Two Nobles great, in passion bent,
Cast both their lives away.

'The one Duke Hamilton by name,
The other brave Lord Mohun,
Renowned men of birth and fame,
But O they perish'd soon.

'Great men have got great daring souls,
And vicious hearts likewise;
For from the glass and swimming bowls,
Great quarrels do arise.

'Which often end with blood and death,
Ne'er to return again:
Life is but one short blast of breath,
Here's two great Nobles slain.

'If men of honour did but know,
That death would part their fray
And lay their lofty heads full low,
'Till the great Judgment day.

'They would their passions bridle sure,
And not admit such strife;
But each one thinks himself secure,
'Till he's bereav'd of life.

'It was a sad and sudden fall,
From grandeur unto death;
That these two Nobles here did fall,
And lost their mortal breath.

'It was a sad and sudden fate,
That did the Queen surprize;
She has lost two brave subjects great,
And they have lost their lives.

'Which might have serv'd the government,
In many weighty things;
Which made them all with tears lament,
That wrath such ruin brings.

'Alas! alas! I little thought
Upon the other day,
That blooming honour should be brought
So soon to beds of clay.

'Instead of trumpets' loud alarms,
In courtly form likewise;
In death's cold joys, and frozen arms,
This man of honour lies.

'Great men will not submissive take
A quarrel from a friend,
But strait they will a challenge make,
And mortally attend.

'For satisfaction all in vain,
They prize no less than life,
And these two nobles who were slain,
Invade a mortal strife.

'Lord Mohun wounded Duke Hamilton,
And would have then give o'er:
The duke reply'd he had not done,
And passed at him once more.

'The sword quite through his body past,
Immediately he fell;
And in Hyde Park he breath'd his last,
And bid the world farewell.

'The duke was carry'd off, and dy'd
Within a little while:
All former feuds were laid aside,
And death did end the broil.

'It was a great and sad surprise,
When to his lady he was brought,
All bath'd in blood; aloud she cries,
Who has this fatal mischief wrought?

'What bloody hand has done this deed?
Speak, if you can,* my noble lord;
Against his life I will proceed,
He shall not miss of his reward.

'It was Lord Mohun, lady, he cry'd,
That first gave me this fatal wound;
Yet with my sword I'm satisfy'd,
I left him breathless on the ground.

'It was a rash attempt, I own,
But who can help what's done and past?
Then with a sigh and dying groan,
He in her presence breath'd his last.

'My little son of blooming youth,
Thy father being dead and slain,
I bathe his corpse with weeping tears,
Although I know them shed in vain.

'Dear son, now for thy father's sake,
If thou livest to maturity,
Such a rash challenge never make,
But in sweet friendship live and die.

'Thou seest my eyelids overflown,
Thy father's death afflicts me still,
Unto my private room alone
I'll go and weeping take my fill.

'Printed and sold in Aldermary Church-Yard, Bow Lane, London.'

A particular account of the trial of John Hamilton, esq., for the murder of Charles, lord Mohun, and James, duke of Hamilton and Brandon, at the sessions-house in the Old Bailey, on Friday, the 12th of December, 1712.

Published by order of the right hon. sir Richard Hoare, knight, lord mayor of the City of London.

Colonel John Hamilton, being brought to the bar on Thursday, in order to be arraigned, a writ of appeal was delivered to the sheriff, at the suit of the lady Mohun, against the said John Hamilton for the murder of her lord; and several learned

* The duke was quite dead when carried home.

counsel moved that his trial, at the suit of the crown, might be suspended, and give way to the writ of appeal, which being opposed by other counsel, and arguments used on both sides, the court was of opinion that he ought to be tried upon the indictment, which was accordingly done on Friday in the following manner:

John Hamilton, esq., of the parish of St. Martin-in-the-Fields, was indicted for the murder of Charles, lord Mohun, baron of Okehampton, on the 15th of November last, by comforting, aiding, and assisting the most noble James, duke of Hamilton and Brandon, and George Maccartney, esq., in giving the said lord Mohun a mortal wound in and upon the right side of his body near the short ribs of the breadth of one inch and the depth of fifteen inches, of which he instantly died. He was also indicted upon the coroner's inquisition for the same murder.

Another indictment was brought against him for comforting, aiding, and abetting the said Charles, lord Mohun, and George Maccartney, at the same time and place, in murdering the said James, duke of Hamilton and Brandon, aforesaid, by giving him a mortal wound on the left part of the breast near the left pap of the breadth of three-quarters of an inch and the depth of twelve inches. And another indictment likewise upon the coroner's inquisition for that murder.

To all which he pleaded not guilty, and the evidence was as follows: Rice Williams, footman to the lord Mohun, deposed that on Thursday, the 13th of November, his lord and duke Hamilton met at a master in chancery's chambers in Chancery lane betwixt six and seven in the evening, and that a paper being there read, wherein one Whitworth had given evidence, duke Hamilton, said he, meaning Whitworth, had neither truth nor justice in him, to which lord Mohun answered he had as much truth as his grace, or to that purpose; that duke Hamilton made no reply, and soon after went away, and a while after lord Mohun came, and passed by the duke as he was . . . , but neither spoke to the other.

That afterwards his lord went to White's chocolate-house, and from thence supped at the Queen's arms in the Pall Mall, and then went home, and gave his orders to let nobody speak with him next morning but Maccartney, who, not coming, his lord went to Maccartney's lodging, where he stayed about an hour, and afterwards he and Maccartney went to the duke of Marlborough's, and continued there about the same time. That in the same house where Maccartney lodged there was also one colonel Joseph Churchill, to whom the evidence told that he was apprehensive there was like to be a quarrel, and a while after his lord checked him severely for talking after that manner.

That after they came from the duke of Marlborough's lord Mohun went to Serjeant's Inn, where he was above half an hour, and then dined at the Globe in the Strand with the said colonel Churchill, sir Robert Rich, and Maccartney, and after dinner went away.

The witness called at the Globe at five (having been sent on an errand), but they were gone, and afterwards found them at the play.

That the lord Mohun supped that night at the Queen's arms with the duke

of Richmond, colonel Churchill, sir Robert Rich, and Maccartney. After supper, Maccartney sent the witness to his lodging, and when he came back again they were all gone, and could not find his lord all that night. On Saturday morning about seven of the clock, having still a suspicion of mischief, he went towards Hyde park, and saw duke Hamilton's coach going that way, whereupon he followed, and with some difficulty got over the park wall that he might not be seen; but by the time he came up to the place where they were engaged he saw both the lords fall, and two gentlemen (whom he thought to be seconds) by them. The one he knew to be Maccartney, but could not be positive the prisoner was the other; but that the other did say, 'We have made a fine spot of work of it,' or to that purpose; and that his lord, being helped up, reeled about two yards, and then fell, and died presently.

John James, drawer at the Globe, swore that lord Mohun, Maccartney, sir Robert Rich, and colonel Churchill dined there the 14th; that after dinner Maccartney went out, and when he came in again talked privately with lord Mohun, and then he went away, and Mohun returned to the company, but stayed but a little while, and went in the same coach with Maccartney; that Churchill and Rich stayed an hour, and Mohun and Maccartney came to ask for them after they were gone.

Isaac Sison, at the Rose tavern in Covent garden, deposed that on the 14th of November the lord Mohun and a gentleman in grey came thither, and being shown a room, asked if stars and garters used the house, to which he answered, They did sometimes. Upon which they told him the duke of Hamilton would be there presently, and bid him, when he came, to show a room, but not bring him into theirs. That after awhile the duke came, and another gentleman with him, and the duke asked for Maccartney, and the gentleman in grey, hearing him, came to him, upon whose coming the gentleman with the duke went away, and the witness carried in a bottle of wine, and they bid him go, for they would help themselves. That the gentleman in grey went several times between the duke and lord Mohun, and then the gentleman came again to duke Hamilton, and they went away together, but the witness could not say it was the prisoner that was with the duke.

Joseph Hipsley, the duke's porter, deposed that on the day aforesaid, in the morning, Maccartney's man came to inquire if the duke was stirring, and being asked what he wanted, said he came from a gentleman in the north, and that afterwards he came himself, told his name, and said he had business of importance from the north to communicate. After which the duke went out, and came home again about one, and the witness told him who had been to ask for him, and to know where he might see him at four o'clock, at which time Maccartney came again, and was with the duke about a quarter of an hour. After which the duke went out, and came in again about six, with colonel Hamilton with him, and they dined together, and then went out again, and the duke came in about eight and stayed

all night. The evidence being asked whether the prisoner used to dine there, answered, Very frequently.

John Lesly, the duke's footman, swore that on the 14th, about five in the evening, the duke went in a hackney-coach to the British coffee-house, and sent him for the prisoner, who came into the coach, and went to the Rose tavern, where he bid the witness stay by the coach, while he and the prisoner were together. That the next morning by six of the clock he was sent to the prisoner to get himself dressed, for the duke would call upon him about business. That when he went, the prisoner was getting up, and the duke called and took him in, and bid the coachman drive to the park, and he being behind the coach, the duke called to him, and gave him some keys, and directed him where to find a mourning sword, which he brought, and the duke threw it into the coach, bidding the coachman drive to Kensington; but they got out over against the lodge, and went upon the grass between the ponds, the duke having charged him to go and stay by the coach. That he having a suspicion of mischief, he was going back, and met Maccartney going towards Kensington, and afterwards met the prisoner, who went away in the duke's coach, and told him the duke was mortally wounded.

Andrew Clark, the duke's coachman, swore the duke ordered him before six to get the coach ready, and when it was done he retired three or four minutes, and then went and called the prisoner, and that he sent the footman, as before, for a sword. Then he drove to the park, and set him down, and as the footman before. That he saw Maccartney come by, with his waistcoat-buttons all bloody, and in a very melancholy posture, and that he went out of the park, and then the prisoner came, and he took him into the coach.

Richard Cook, servant at the bagnio, deposed that the lord Mohun came in about one o'clock on Saturday morning, and asked for a portmanteau which was left by Maccartney's servant, and being shown a room, the evidence pulled off his shoes and stockings, and he pulled off his coat and waistcoat himself, and afterwards Maccartney came, and was put to bed in the same room. That he observed the lord Mohun to walk in a melancholy posture before he went to bed, and when he lay down fetched a deep sigh, and bid him be sure to call him by six in the morning.

Charles Chaloner, of the bagnio, deposed that Maccartney's servant brought the portmanteau at eleven o'clock on Friday morning, and asked if there was convenience to lodge two gentlemen. That lord Mohun came first, and was in bed before Maccartney came, who talked with the witness while he was undressing, asked if he did not hate the French, and such like, but lord Mohun spoke not a word. When Maccartney was in bed, he bid the witness be sure to call him at half an hour past six at farthest, for they were to go in a stage-coach. He called them accordingly, and got a pot of tea, changed a guinea for lord Mohun, and then got a coach, they being in very great haste, Maccartney bidding the coachman make haste to Kensington.

John Pennington swore that he was called from Bow street end to the bagnio, where he took up lord Mohun and Maccartney, and drove them into the park. When they came thither he was sent to the lodge for some burnt wine, while they pretended to walk. That afterwards duke Hamilton and another person came to him, and asked him where those were that he brought, and he telling which way they were gone, they went that way also, whereupon he mistrusted something, and went to the lodge and called for help. That he saw them go over the ditch, and draw all their swords, but did not see the seconds push, though he saw them go to help the two lords when they were down. That the lord Mohun was brought alive by three people to his coach side, and after he saw him dead he followed Maccartney, telling him he must pay him, or else go into the coach; but he told him lord Mohun had a servant there, who, saying he would pay him, he was content.

Joseph Nicholson gave evidence that, as he was driving a wheelbarrow in the park, one came from the lodge, and desired him to come and help, for there was a duel; and having got a stick, he made all the haste he could, but when he came within about thirty paces he saw lord Mohun down, and duke Hamilton fall over him, a gentleman being behind the duke, and another behind the lord, endeavouring to raise them, with both their swords drawn, as had also the two peers. That when he and others came up, the two gentlemen delivered their swords, but the others were not willing to part with theirs, and lord Mohun's sword was bent in wresting it from him. That the said lord beginning to faint, Maccartney helped to turn him on his side, saying he believed he was sick with bleeding inwardly, and at the same time bade him take notice that he in grey clothes and a laced hat endeavoured to part them. The swords were produced; the duke and lord Mohun's were very bloody, and Maccartney's was bloody from the point about twelve inches of the blade, and very much bent; but the prisoner's sword was not bloody at all, nor could the evidence say he was one of the four.

John Reynolds, who belongs to the lodge, gave an account that the coachman spoke for wine, and told him the two gentlemen he brought were gone to walk; but the witness was apprehensive they were gone to fight, and bid the coachman look out, who soon after returned and told him he believed it was a duel, for he had seen two more come to look for them; whereupon he made all the haste he could, and saw duke Hamilton throw his cloak off, and lord Mohun his surtout coat; after which he saw but two passes, and then lord Mohun fell and the duke upon him. But before he could get up to them, the two gentlemen came to their assistance, as in the former evidence. He swore he did not see the seconds draw, nor could tell how near they were to the lords; for the way was bad, and he could not look at them all the while he was going towards them; but when he came up he assisted in taking the swords, and the duke refused to deliver his.

William Morris (a groom) deposed that as he was walking his horses towards Hyde park he followed a hackney coach with two gentlemen in it, whom he saw

alight by the lodge and walk together towards the left part of the ring, where they were about a quarter of an hour before he saw two gentlemen more come to them; and after having saluted each other, one of them, who he is since told was duke Hamilton, threw off his cloak, and one of the other two (who he now understands was lord Mohun) his surtout coat, and all immediately drew. That the duke and lord pushed at each other but a very little while, when the duke closed, and took the lord by the collar, who fell down and groaned, and the duke fell upon him. That just as Mohun was dropping he saw him lay hold on the duke's sword, but could not tell whether the sword was at that time in his body; nor did he see any wound given after the closing, and was sure lord Mohun did not shorten his sword. He declared he did not see the seconds fight, but they had their swords in their hands assisting the lords as before. He was nearest, and saw most of the action; but all the witnesses declared they could not well see the seconds because the principals were fighting between.

Henry Amy, a surgeon, deposed that he found duke Hamilton had received a wound by a push, which had cut the artery and small tendon of his right arm; another in his right leg, eight inches long, which he supposed to be by a slash, it being very large; another small one in his left leg, near the instep; and a fourth on his left side, between the second and third rib, which ran down into his body, most forwards, having pierced the skirt of his midriff and gone through his caul. That the wound in his arm caused his so speedy death, through loss of blood by the artery, and that he might have lived two or three days with the wound in his breast, which wound could not be given but by a thrust coming from an arm that reached over or was above him. He further deposed that he also viewed the lord Mohun's body, and found that he had a wound between his short ribs, quite through his belly; another about three inches deep in the upper part of his thigh; a large wound, about four inches wide, in his groin, a little higher, which was the cause of his immediate death; and another small wound on his left side, and that the fingers of the left hand were cut.

Paul Bussière, another surgeon, deposed that about a quarter after eleven on Friday night, the 14th of November, a footman came for him to go to duke Hamilton's, but he being in bed and not well, asked if the duke was ill; and being told he was not, desired to be excused till morning. That the next morning Mr. Ferguson came to him about seven and said the duke would have him take coach and come to Hyde park to dress him, if there should be occasion. That, not being up, he sent a servant, and after some time went to the duke's house, and found him dead. That he opened the body, and perceived the wound between his second and third rib to enter down into the body, inclining to the right side, which could not be given but by some push from above. He said the issue of blood was the cause of the duke's sudden death; and being asked if that wound would hinder the holding his sword in his right hand, he answered that he might use that arm for a while, it being the small and not the main tendon that was cut.

'Robert Talbot, Bussière's man, deposed that by his master's orders he went to Hyde park with Mr. Ferguson, who set him down at the public-house, and bid him stay till called for, and that after a while he was called and found the duke wounded, as before, and upon feeling found he had no pulse, and soon after died.

'Mr. Ferguson gave evidence that on Saturday, the 15th of November, about seven in the morning, the duke, his master, sent for him, and after having made him promise secrecy, told him he had a challenge, and was obliged to vindicate his honour: wherefore he had him get Bussière ready to attend in case of need; but Bussière not being ready, he took his man, and before he came to the park all was over.

'Mr. Mason, the duke's secretary, deposed that on the 13th of November he dined with his grace, and went afterwards with him to Mr. Orlebar's chambers in Chancery lane, where he heard him object against Whitworth as one who had quite forgot himself about a year ago, and was not now to be believed; and that the lord Mohun was in wine, and used the words, or to the same purpose, as in Williams's evidence.

'The prisoner in his defence said that the duke called him to go abroad with him, but he knew not anything of the matter till he came into the field; and had several noblemen of Scotland, and other persons of quality, who all gave him the character of a very honest, gallant, inoffensive man. After which the court summed up the evidence, none of which being sufficient to prove the prisoner's knowledge of the duel, the jury found him guilty of manslaughter upon two indictments, and acquitted him of the coroner's inquisition. After which he prayed the benefit of the statute, which was ordered to be entered accordingly.

'Sir Richard Hoare, knt., Lord Mayor.'

Maccartney's defence.

(From his letter to a friend, Lond., 1713.)

'Thursday the 13th of November about 9 o'clock in the evening, my lord Mohun came to my lodgings and told me that though he was prodigiously wearied out with his lawyers yet he could neither eat nor drink till he had told me his concern, which I saw was very great upon him.

'"You know," says my lord, "there is a tedious suit in chancery depending between me and duke Hamilton, and must have heard me complain, that his often wrangling with and over-awing of my people has hindered their proceedings: of which, though they complained to me, I have never taken the least notice till this very evening, his grace has, before a master in chancery, treated my witnesses so very ill that I cannot help taking it as meant to myself, particularly he said of

Mr. Whitworth that he was a vile old rogue, not to be credited nor fitting for any honest man to employ": saying this in such an air and manner as if I had produced corrupt evidence.

'"My lord," said I, "everybody knows those harsh and warm expressions are not unusual amongst lawyers and sometimes their clients, for I can't but think that if the duke had meant to affront your lordship he would have spoken more directly."

'"We are to meet again on Saturday," says my lord, "and I have great reason to think, from the humour we now parted in, 'twill be impossible for us two to meet peaceably without some previous explanation; and how ridiculous shall we appear to the world if a quarrel happen before a grave master in chancery. 'Tis for this reason I am come here and beg the favour of you to go from me to duke Hamilton and tell him in the civillest manner you can, that though I have had reason to complain of his grace's hard usage of my counsel and evidence several times before now, yet I would not make theirs any concern of mine and though the severe reflections he made this evening seemed to be directly levelled at myself, yet I leave them to his grace's own explanation; and if I am out of the question then I only wish, that for the future we may meet on better terms and leave the scolding to the lawyers, or both by consent absent ourselves from their meetings, but if his grace have any particular prejudice to my person or manners, he may find other opportunities of telling me his mind and I shall be always ready to attend him. When you have seen his grace and I know his intentions, I shall be easy, for you know I am engaged to dine at Ashley on Saturday and would gladly get rid of that confounded chancery meeting."

'"My lord,' said I, "let us go to supper and if your lordship persist in this way, I must do as you would have me."

'We supped abroad with company and at parting my lord Mohun told me, the more he thought on it, the more he was confirmed in the same mind and desired me not to neglect him. At going to bed I bid my footman to rise early and to inform himself of duke Hamilton's porter, at what hour his grace saw company.

'Friday morning, between 8 and 9, my lord Mohun came into my chamber, while I was drinking of tea. Says I "My lord, you are very early and come I hope to forbid your message, for to tell you truly, though I have sent to know the duke's hour and think you intend no more than an *éclaircissement*, in my opinion this message is not absolutely necessary."

'"I should think so too," says lord Mohun, "if my circumstances of living out of town and my desire of avoiding these plaguy meetings did not make it so. Therefore dear Maccartney go." With that my footman coming into the room said nine o'clock was the duke's usual hour.

'"Go then," says lord Mohun, "take my hackney coach and I'll drink tea here till you come back."

'I went in that coach straight to my lord duke's and the porter saying his grace was gone abroad, but would see company at eleven o'clock, I left my name as

one paying his duty to his grace and said I would come again then at eleven, which accordingly I did and the porter told me his lord was sent for on some very earnest business to my lord Bolingbroke's, but having heard that I had been to wait upon his grace, bid his porter desire me to wait his return, or to come again in half an hour. I chose the latter and then not finding his grace at home and the porter pressing me to walk in and wait for his lord's return, I told him that I had no urgent business but would take some other opportunity of waiting upon his grace.

'I thought no more of going again to my lord duke's, till going to dinner with my lord Mohun, I was told that a gentleman from duke Hamilton had been looking for me at my lodgings, at White's chocolate house and St. James's coffee house, which my lord Mohun too hearing, pressed me to go again as soon as I had dined. I went then to his grace's house about four o'clock and the porter told me that his lord was at home to me only and had bid deny him to everybody else.

'His grace received me with a great deal of civility and after a small preamble I told him, that I hoped I was employed to do good offices betwixt his grace and my lord Mohun and that I flattered myself he would find nothing offensive in my message.

'"And pray, sir," says my lord duke, "what are my lord Mohun's commands for me?" With that I told his grace what my lord Mohun had desired me and as near as I could remember in his very words.

'My lord duke was walking while I spoke, then standing still, said "Sir, my lord Mohun was very far in the wrong to me last night and I went early abroad this morning on purpose to find a gentleman to tell him so, but missing of the friend I looked for, and hearing that you had been twice at my door, I guess by your intimacy with my lord Mohun that you might probably come from him, else he should have heard from me before now; and impatient to know the certainty I sent my secretary Gawen Mason to your lodgings and up and down the town to seek for you; and now sir be pleased to tell my lord Mohun I will meet him when and where he pleases. I desire you to give him this for my answer and to bring me word back again of the time and place, for no man breathing is readier."

'"My lord," said I, "I have no authority to treat of time or place, because I did not think it would become necessary, hoping your grace would give my message another turn; and indeed my lord, unless something more has past between you than I yet know of, I think this affair might be very easily accommodated, but as this offer does not come directly from lord Mohun, I hope your grace will not think me impertinent in talking more than I am commissioned."

'"Come, come, Mr. Maccartney," says my lord duke, "I know these matters very well and I know what I am to do, both with my lawyers and others. Whatever comes of this, shall break no squares between you and me, so pray bring me back lord Mohun's answer."

'"My lord," said I, "I don't know that he will send any answer, for if I understood and expressed his meaning right, he desired chiefly to know your grace's

meaning as to what related to himself and I hope your grace will think more calmly of it."

'"Well sir," said my lord duke, "will you then meet me an hour hence at the Rose tavern in Covent garden? I'll bring a friend with me and will discourse on it."

'"I will wait on your grace," said I, "and if I can prevail upon my lord Mohun he shan't be far off, provided you can be brought to speaking terms." So taking leave of his grace he conducted me to the outermost door.

'I found out lord Mohun and unwilling to exasperate, I told him but a part of duke Hamilton's discourse and begg'd his full power, that in case with the duke and his friend I should find some honourable way of reconciling them, I might answer for his compliance. To which my lord Mohun consenting, we went together to the Rose tavern; and to prevent the lords meeting by surprise, I directed the waiter that if my lord duke Hamilton should come there to enquire for me, he should show his grace into another room and call me to him.

'Both which happening in a quarter of an hour after, I went into his grace's room and was surprised to find him alone and his whole dress changed from a long wig and velvet clothes I had left him in, to a riding wig and a stuff coat, without either star or riband, only a St. Andrew's cross on an old white cloak.

'"You see, sir," said my lord duke smiling, "that I am come *en cavalier*."

'"I see it indeed, my lord," said I, "but hope 'tis upon some other gallant occasion, no ways relating to our last discourse."

'His grace replied, "No faith, 'tis for the business you know of for, *je suis prest à tout*."

'"My lord," said I, "I am come here by your grace's commands, not without hopes that by discoursing with your grace and your friend, things might be better understood and perhaps settled to both your satisfactions."

'"My friend is here," said my lord duke and going to the door, called very loud, 'Jack, come in.'"

'Immediately enters colonel Hamilton, in a red coat with gold buttons; and the duke presenting him said "Sir, here is the gentleman who is to entertain you." Then turning to colonel Hamilton says, "Do you hear, Jack? lord Mohun and I have an affair to decide, which no man is to know of but yourself and Mr. Maccartney."

'"With all my heart," says Colonel Hamilton, "Mr. Maccartney and I know one another very well."

'I never hearing of colonel Hamilton's being in England, asked him if he was just arrived from Scotland? And he said "No, he came last from Dunkirk."

'There being wine upon the table I drank to him duke Hamilton's health. He pledged it and his grace drank to me, on which I filled another glass and said, "My lord, let me drink to a happy conclusion to this affair."

'"With all my heart," said the duke, "and now *apropos* to that, we have no

more ado but to settle the time and place, that's all I come for here and I think by seven o'clock in Hyde park will be most convenient."

'"My lord," said I, "'tis not light by seven; and besides I have not yet consulted my lord Mohun on that point, for I came here on another view, which by the present disposition must I find be now laid aside."

'"Well, well," says my lord duke, "it's all a case, since you know the time, I'll expect my lord Mohun there before eight o'clock. We cannot mistake now and so I am your humble servant." Which taking as a hint that he desired my company no longer, I left his grace and colonel Hamilton together.

'I must here observe to you, that till this colonel Hamilton came into the room, I had not lost hopes of an accommodation, but the duke presenting to me for antagonist a gentleman who had had a long prejudice to me, for being made major over his head in the Scotch guards, besides a later difference which happened in Scotland at the raising of my regiment there, this unhappy rencounter made me uncapable of further proposals. So going back to my lord Mohun and being under an indispensable necessity of hiding nothing from him, I told his lordship all that had passed.

'My lord Mohun immediately said, "Maccartney, I have all day long thought you over-wise and managing in this affair; and knew in my own mind that it must come to this at last. Now I conjure you to secrecy and that in order to it we may lie together at the bagnio."

'Whence going in a coach on Saturday morning, my lord Mohun said to me, "Notwithstanding any former difference between you and t'other gentleman, you must be ruled by me at this time and have nothing to do in this present affair."

'"My lord," said I, "I am not to prefer my own concerns to your desires. It may perhaps be of service to you both; and I'll obey you, but upon this condition, that if this be not either proposed or readily agreed to by t'other side, you will not insist."

'"Well," said lord Mohun, "if duke Hamilton do not propose it, I will; and you have promised to comply."

'Coming near the lodge in the park, we sent to bespeak a breakfast; and chose to walk it being very cold; and soon after we espy'd duke Hamilton and the colonel following of us. My lord duke made some compliment and threw off his cloak.

'My lord Mohun, bowing to him said, "I must ask your grace one favour which is, that these gentlemen may have nothing to do in our quarrel. I have prevailed with my friend and I hope your grace will with yours."

'To which the duke answered, "My lord, I leave them to themselves."

'Immediately both lords drew and I can give little account of their action, being at the same instant engaged with colonel Hamilton, with whom after some parrying I closed in and getting his sword from him with my left hand, he caught hold of mine with his right hand just below the hilt.

'"Sir," said I, "struggle not, for I have your sword."

'"Sir," said he, "I have a grip of yours."

'"Quit it then," said I, "and don't force me to run you in the back, but let's haste to save them."

'I saw the lords then struggle and fall together, their ground being much changed in the action, for at the beginning my lord Mohun was on my left hand and they now fell almost behind colonel Hamilton.

'While I was yet uttering the words I mentioned last to colonel Hamilton, the keepers came up and found us two in this posture, standing upon our legs close struggling, his sword in my left hand free over his right shoulder and my sword in my right hand, he pulling at the blade with both his.

'One of these keepers took our two swords and I think another ran at the same instant to the lords, crying out, "What a deal of mischief is done here! Would to God we had come sooner: you gentlemen are such strange creatures."

'As we stept to the lords, as I think not above four yards from us, lord Mohun was not altogether on his back, but in a manner between lying and sitting, bending forward to duke Hamilton, of whose sword he had a hold with his left hand. Duke Hamilton was on his knees kneeling to his left, almost across lord Mohun and holding lord Mohun's sword also fast with his left hand, both striving but neither able to disengage himself from t'other.

'One of the keepers with colonel Hamilton first lifted the duke, while with another, I endeavoured the same service to my lord Mohun, who immediately said to me, "I believe I am killed, for I feel several wounds in my belly."

'"Good God forbid," said I, and turning him on his wounded side and belly, strove in vain to give him relief.

'I saw the duke, supported by the colonel and another, walk some yards but staggering, which I imputed to a great gash I saw in his leg, which I thought had cut the sinews.

'I continued my care about my lord Mohun till hopes were past and then sent his body home in the same coach that brought us.

'After this melancholy parting I walked by way of Kensington to your lodgings where I heard the first news of duke Hamilton's being a-dying.'

Bibliography of publications relating to the duel.

'The Case at large of duke Hamilton and the lord Mohun.' With an account of the duel, the depositions, and the surgeon's evidence. London, 1712. Price 6d. (The best and most useful general account of the occurrence.)

A letter respecting the duel. Museum copy without title-page. London, 1712, 8vo. (A general description of the affair from its origin. Of no particular use. Ends with 'Pharamond's Edict against duels.') It is identical with 'a full and exact relating of the duel . . . in a letter to a Member of Parliament. London, 1713.'

'A particular account of the tryal of John Hamilton, esq., for the murder of Charles lord Mohun and James duke of Hamilton.' At the Old Bailey, December 12, 1712. London, 1712. Price 2d. Six folio pages. (Contains the depositions similar to the 'Case at large,' but abridged and with slight variations.)

'A true and impartial account of the murder of his grace the duke of Hamilton and Brandon by Mr. Maccartney.' London, 1712. (An arraignment, as its title indicates, of Maccartney's conduct in the affair, so that the facts are rather lost sight of.)

'A true and impartial account of the animosity, quarrel, and duel between the late duke of Hamilton and lord Mohun.' London, 1712. Price 6d. (Contains the medical evidence not given elsewhere, and throughout seems to be impartial.)

'A defence of Mr. Maccartney. By a friend.' London, 1712, 8vo. Price 6d. (Concludes with an interesting biography of Maccartney.)

'The Substance of all the depositions taken at the Coroner's inquest,' etc. London, 1712. Price 3d. (Not so complete as 'The Case at large,' the deposition of the duke's coachman being abridged.)

'A full and true account of a desperate and bloody duel which was fought this morning in High Park between my lord Moon and duke Hambilton' (*sic*). London, 1712. Price 1d. (A description of 3 folio pages, written hurriedly for street sale. Of little value. This is probably the publication which dean Swift alludes to when he wrote to 'Stella' that he would not permit the duchess to be moved to another lodging 'because it had no room backwards, and she must have been tortured with the noise of the Grub street screamers ringing her husband's murder in her ears.')

'The lord M——n's Ghost to the d—— of R——d, on Sunday night last: concerning the murder of duke Hamilton, and the Peace.' 1712. (Verse. In allusion to Maccartney:

> 'From his base arm he did the wound receive
> That did the hero of his life bereave.')

'A strict enquiry into the circumstances of a late duel, with some account of the persons concerned on both sides, being a modest attempt to do justice to the injured memory of a noble person dead and to the injured honour of an absent person living.' London, 1713. 6d., 8vo.

'A letter from Mr. Maccartney to a friend of his in London. Dated at Ostend Dec. 4-15, 1712, giving a particular account of what passed before and at the unfortunate duel.' London, 1713. Price 6d. (The portion relating to the duel is given *ante*, p. 89.)

'Memoirs of the life and family of the most illustrious James, late duke of Hamilton.' London, 1717, 8vo. With frontispiece portrait of the duke of Hamilton. (The depositions are given as in 'The Case at large,' but omitting that of the duke's coachman.)

'The whole lives, characters, actions, and fall of d. Hamilton and l. Mohun.' 'London printed and Newcastle reprinted.' With illustrated title-page of two persons fencing and a coach and four beneath. A chap-book edition with suitable poetry.

XII.—THE SHERBORNE BRANCH OF THE DUTTONS OF DUTTON.

ADDITIONAL RECORDS—WILLIAM DUTTON'S INQUISITION IN 1621—SIR RALPH DUTTON OF STANDISH—WARDSHIP OF THE EARL OF DOWNE—SIR RALPH DUTTON OF SHERBORNE, BART.—GREYHOUND COURSING—BAPTISMS OF SIR RALPH'S CHILDREN—WILL OF LADY DUTTON, 1723—DR. BARWICK'S CORRESPONDENCE—SIR JOHN DUTTON—REMARKABLE RUN BY LORD CHEDWORTH AND MR. DUTTON'S HOUNDS IN 1748.

THOMAS DUTTON, the founder of the Sherborne branch of the Duttons of Dutton, was a son of William Dutton of Chester, and graduated at Brasenose College, Oxford, in March, 1522-23. He held an appointment as deputy to the king's surveyor in Gloucestershire. His portrait is at Sherborne house. The following are additional records relating to the Sherborne branch:

Inquisition taken after the death of William Dutton in 1621.

(Miscellaneous inquisitions, part xiii., 41.)

William Dutton (5th son of William Dutton of Sherborne, esq.). Writ directed to the escheator of Gloucestershire to inquire after the death of William Dutton, dated at Westminster Aug. 30, 19 Jas. I. (1621).

Inquisition taken at Gloucester castle Oct. 6, 19 Jas. I. (1621), by the oath of Richard Robins, gent.; William Harding, gent.; Nicholas Smith; William Warner; Thomas Bingle; Henry Merry; John Twyning; John Bishoppe; John Hunt; Henry Nicholson; William Nicholson; John Harris; Giles Bishop; and William Ellis, jurors. They find that long before the death of William Dutton one William Dutton, esq., his father, was seised of the manor and advowson of the church of Standish, with messuages, etc., belonging. And being so seised at Sherborne, executed his will Sept. 20, 16 Jas. I. (1618), by which he devised the said manor and advowson to William Dutton, his son, and heirs male, and in default to Ralph Dutton, another son, and his heirs male. And afterwards said William, the father, died at Sherborne Nov. 10, 16 Jas. I. (1618), and said William Dutton, the son, entered upon the premises, and died at Cirencester July 20, 1621, without

issue. And John Dutton, esq., is brother and next heir, and 21 years of age and more. And the said manor and advowson are held of the king in chief by knight service, but what part of a fee jurors are ignorant, and are worth £15 per annum.

Sir Ralph Dutton, of Standish, knight.

1601—1646.

Marriage licence.—'1624, May 25. Ralph Dutton, of Standish, co. Gloucester, esq., bach^{r} 22, his father dead about 6 years, and Mary Duncombe of St. Olave's Old Jury, London, spinster, 17, her parents dead; consent of her grandfather sir Thomas Bennet, at St. Stephen's, Coleman Street, London' (Bishop of London's marriage licences, Harleian society, xxvi., 140).

Knighthood.—'Sir Ralph Dutton knighted at Woodstock Aug. 1624' (Metcalfe's 'Book of Knights,' 146).

Royalist prisoner.—In the Clarke papers, published by the Camden society, is an allusion to a civil war incident: 'the selling of Mr. Dutton the knight of Gloucestershire, and other prisoners of note when they were taken, as sir Richard Ducy, baronet Tracy, and many others' (Camden society, 1894, ii., 159).

The wardship of the earl of Downe, purchased by John Dutton, of Sherborne, who married the earl to his daughter, Lucy Dutton.

(State papers, Interregnum A., xxi., 2,291.)

'November 5, 1649.—Information given by Robert Lewis of Panswick in com. Glouc. that there is owing by John Dutton of Sherborne in com. Glouc. esq. £1,600 principall unto Wm. Murrey of the Bed Chamber to the late kinge for which certaine of the lands of the said Mr. John Dutton was engaged this was parte of a greater some payable to the said Murrey.

'November 20, 1649.—Ordered that John Dutton of Sherborne in com. Glouc. do apeare on ye 14th of Decem. to give satisfaction to a debt of £1,600 owing by him to Wm. Murrey a delinquent.'

(The deeds relating to the purchase of the wardship are in the muniment room at Sherborne house.)

Sir Ralph Dutton, of Sherborne. 1st bart.

Died 1721.

(Sloane MS., 4058, fol. 287.)

Holograph letter from sir Ralph Dutton, of Sherborne, to Dr. Sloane asking the doctor to visit a boy whom sir Ralph had placed with a pewterer at Charing

, in 1584.

Eleanor

DUTTON.

(*To fold at page 98.*)

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of him to give
of the sport in

cross, and who had lost his master and was ill of a fever. Sir Ralph has always been regarded by the family as a spendthrift, who was ruined by his passion for greyhound coursing. His father-in-law, Dr. Barwick, in his will alludes with irritation to sir Ralph's wasted estate. It is interesting to find that the following letter, which is the only one known of sir Ralph's, should represent him as doing an act of charity in calling in the great practitioner to a poor apprentice.

'Sir,

'The many favours that I received emboldens me in this, I having placed a boy to Mr. Teale a pewterer at Charing cross and his master being dead, he has got a fever and I am apt to believe it is an intermitting fever, by reason that he was very ill on Thursday and was up yesterday. My humble request is that you would call if your occasions will permit if you come to this end of the town to see him and I shall ever one (*sic*) as to myself who desires to remain.

'Your faithful and real servant

'Ralph Dutton.

'Ja. 27. Saturday morning.'

Newsletter to Mr. Gerard Cornan at Dilston, Northumberland, from London.

Dated Oct. 20, 1691.

(Greenwich hospital newsletter entry-book, v. 23.)

'Last night king William came to town from Margate. . . . I have a design to have gone to Hampton court to have taken an account of the paddock course there and . . . and Mr. Radclyffe were pleased to go themselves yesterday, where they found the duke of Northumberland and some others, so that I know Mr. Radclyffe will not fail to give you a full account of the course, and the manner of it as also the keeper has promised him a draft of it together with the articles. I find, by all that I meet, it is a place not regular nor well done at all, for it is a great deal too broad at one end and has a turn in it which none approve of: but I was also at several other people about their information and I cannot find anybody that can give me a full relation, for there are many who have been at the sport but none can give a good account. I have written three times to Windsor but cannot get an answer. Sir Ralph Dutton, of whom I wrote before, being one of the chief men of England for that sport, is not yet come to town, for that I was at his lodgings yesterday morning and they tell me he will be in town Friday next at the parliament, when I intend to wait for him and desire the favour of him to give me the best method, as I am told for certain he can, being the chief of the sport in these parts that I can learn of.'

Extracts from the register of baptisms for the parish of St. Margaret's, Westminster, relating to the children of Sir Ralph Dutton, bart., of Sherborne, and dame Mary his wife.

1681—1694.

'December 5 1681. William Dutton s. to S^{r} Ralph by dame Mary.
'January 2 1683-4. John Dutton* s. to S^{r} Ralph by dame Mary.
'January 20 1684-5. Ralph Dutton s. to S^{r} Ralph K^{t} & Barr^{t} by Dame Mary.
'February 2 1686-7. Clement Dutton s. to Sir Ralph Bar^{t} by dame Mary.
'October 9 1688. Mary Dutton d. to S^{r} Ralph Barro^{t} by Dame Mary.
'October 13 1690. Jane Dutton d. to S^{r} Ralph Bar^{t} by dame Mary.
'November 6 1691. Jemima Dutton† d. to S^{r} Ral. Bart. by dame Mary.
'June 28 1694. Peter Dutton s. to S^{r} Ralph Barn^{tt} by Lady Mary.'

Each of the above entries is marked with a large cross in ink, as are other entries relating to persons of importance in the register.

The will of dame Mary, wife of sir Ralph Dutton, of Sherborne, bart.

Dated 22 July 1721; proved 4 October 1723.

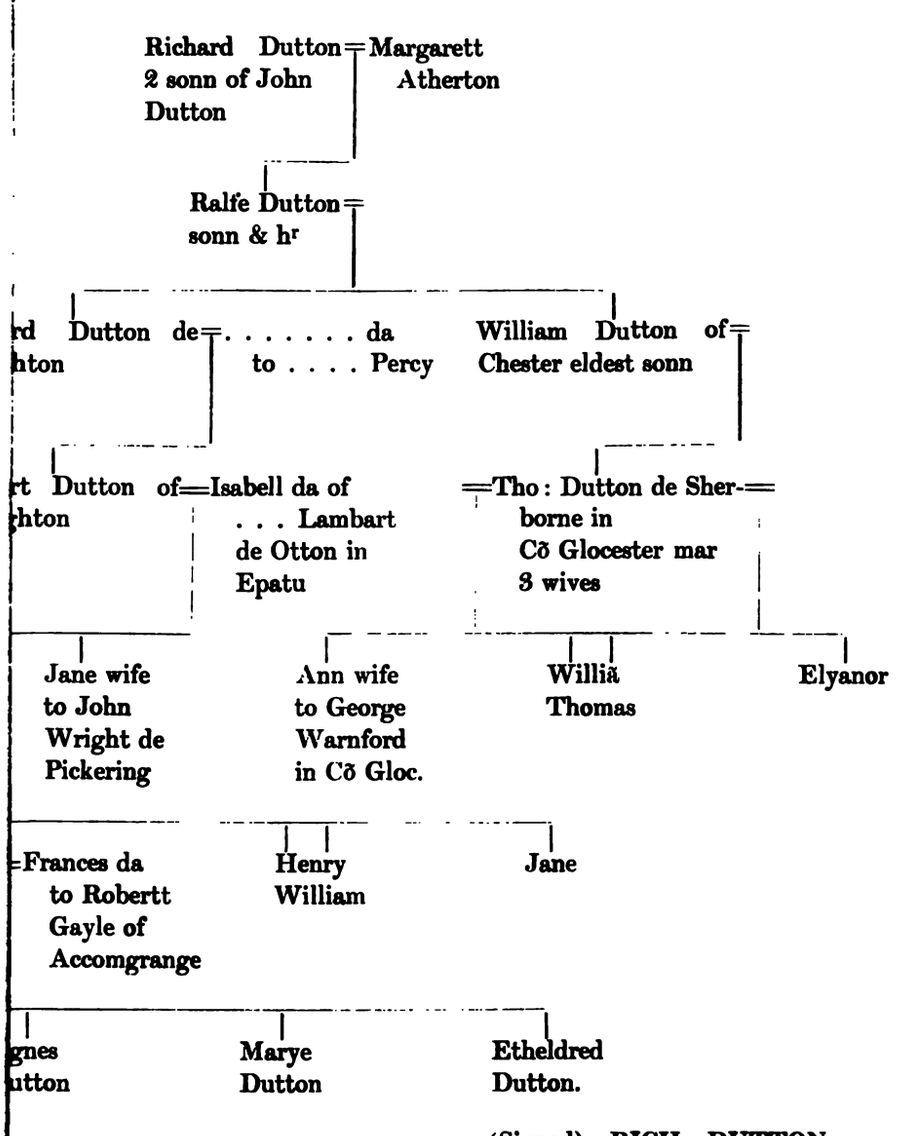
'In the name of God, Amen. I dame Mary Dutton of the parish of St. Martin-in-the-Fields in the county of Middlesex widow and relict of sir Ralph Dutton late of Sherborne in the county of Gloucester bart. deceased being now of sound and disposing mind memory and understanding (thanks be to God for the same) considering the certainty of death and the uncertainty of the time thereof do make and ordain my last will and testament in manner and form following. Imprimis I recommend my soul to almighty God who gave it hoping through the alone merits and mediation of my blessed Saviour Jesus Christ to obtain full pardon and remission of all my faults and my body I recommend to the earth from whence it was taken to be privately and decently buried at the discretion of and where my executor hereinafter named shall appoint and as touching such worldly estate as Providence hath blessed me with or I may be possessed of or entitled unto at the

* Died Feb. 1, 1743. 'Sir John Dutton, Bart., of Sherbourn, Gloucestershire. This family has a right to license the minstrels in the county of Chester, for which a court is kept every midsummer day when every minstrel summoned is to pay 4d., and every "vagrant" that follows her calling 4d., and those so licensed are excepted in the old statutes and in the present bill relating to vagrants.'—*Gentleman's Magazine.*

† Died Feb. 6, 1762. 'Mrs. Dutton, sister to the late Sir John Dutton of Shireborne, Gloucestershire.'—*Ibid.*

e branches of the Duttons of Dutton, in 1612.

95 in the heralds' college.)


Richard Dutton 2 sonn of John Dutton
Margarett Atherton
Ralfe Dutton sonn & hr
rd Dutton de hton
. . . . . da to . . . . Percy
William Dutton of Chester eldest sonn
rt Dutton of hton
Isabell da of . . . Lambart de Otton in Epatu
Tho: Dutton de Sherborne in Cō Glocester mar 3 wives
Jane wife to John Wright de Pickering
Ann wife to George Warnford in Cō Gloc.
Willia Thomas
Elyanor
Frances da to Robertt Gayle of Accomgrange
Henry William
Jane
gnes utton
Marye Dutton
Etheldred Dutton.

(Signed) RICH: DUTTON.

(*To fold at page* 100.)

time of my death I give and devise the same in manner following that is to say, I give devise and bequeath unto my real and much honoured friend John Loving of Little Ealing in the county of Middlesex esq. for his great care and many friendships showed unto me in all my troubles and necessities and whom I cannot sufficiently recompense all my real and personal estate of what nature kind or quality the same is or shall be in the kingdom of England To hold to him his heirs executors and administrators and also all such rents issues and profits as shall happen to be due to me at the time of my death and issuing out of the manor of Standish in the county of Gloucester or out of my messuages in St. Paul's churchyard and great and little Carter Lanes in the city of London subject nevertheless to the payment of such debts as I shall happen to owe at the time of my death and of the legacies by me hereinafter given and bequeathed to the several persons hereinafter mentioned Item I give devise and bequeath unto my son sir John Dutton of Sherborne in the county of Gloucester bart. one guinea for a ring to be worn in remembrance of me and to such of my grandchildren by my daughter Naper deceased and my daughter Reade deceased as shall be living at the time of my death one guinea apiece Item I give to my daughter Jemima Dutton spinster one guinea for a ring to be worn in remembrance of me to whom I have also by my deed poll in writing in pursuance of the power to me come and happened directed and appointed after my death my leasehold estate in St. Paul's churchyard and great and little Carter Lanes aforesaid To hold to her her executors administrators and assigns. Item after payment of my debts and funeral charges I give devise and bequeath unto my cousin Philadelphia Dutton* spinster the sum of fifty pounds as also ten pounds for her mourning and a gold ring of a guinea price to be paid to her out of my personal estate within one month next after my death Item I give devise and bequeath to Mrs. Mary Offley the wife of John Offley of Smallbourne Green in the county of Middlesex esq. the sum of ten pounds for mourning and a gold ring of a guinea price To Mrs. Elizabeth the wife of Mr. Peter Darden of Bow Street jeweller a gold ring of a guinea price Item I give devise and bequeath unto Robert Hall of Hemlock court in the parish of St. Clements Danes in the said county of Middlesex gentleman the sum of ten guineas and a gold ring and to his wife a gold ring and to my servant that shall live with me at the time of my death as my waiting woman a suit of mourning at the discretion of my executor over and besides a year's wages And I also give to my servant Mary Kirby whom I took as an apprentice the sum of four pounds and I do hereby constitute make and appoint my said honoured friend John Loving esq. sole executor of this my last will and testament to whom I give the residue of my personal estate desiring him to accept of the same as my grateful acknowledgment for his continual friendship and care afforded me in all my troubles In witness whereof I have hereunto set my hand and seal to this my will being contained in one sheet of paper this two and

* Daughter of sir Richard Dutton, governor of Barbados 1681-1685.

twentieth day of July in the year of our Lord God 1721 Mary Dutton Signed sealed published and declared by the said testatrix as and for her last will and testament in the presence of us who at her request and in her presence subscribed our names as witnesses hereto the word one instead of six being first interlined John Yeo, Elizabeth Semer, Susanna Pouton.

'Item I give to my son-in-law sir Thos. Reade bart. a guinea to buy him a ring and this I direct to be taken as part of my will Mary Dutton.'

'This will was proved at London with codicil the fourth day of the month of October A.D. 1723 before the venerable man Charles Penfold doctor of laws surrogate of the venerable and illustrious man John Bettesworth doctor of laws of the prerogative court of Canterbury master keeper or commissary lawfully constituted By the oath of the honourable John Loving esq. sole executor in said will named to whom was granted administration of all and singular the goods rights and credits of the said deceased of well and faithfully administering the same on the holy gospels of God being sworn.' (206 Richmond.)

A collection of letters written by Peter Barwick, M.D., physician to Charles II., dated from Sherborne, to Dr. afterwards Sir Hans Sloane.

From the Sloane MSS. in the British Museum.

(Sloane MS., 4036, fol. 56.)

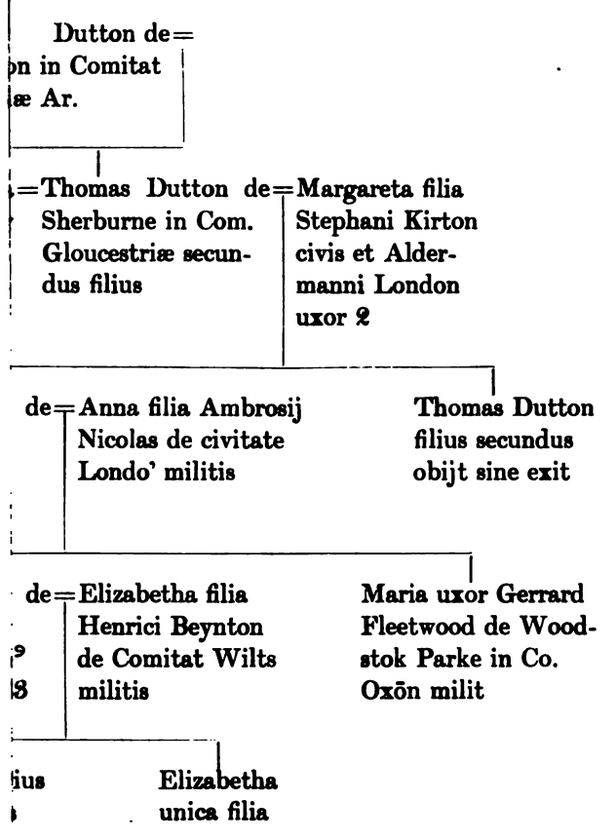
Letter from Dr. Peter Barwick, dated at Sherborne Sept. 25, 1689, to his worthy friend Dr. Sloane at Newcastle house, Clerkenwell.

(Each letter commences 'Good doctor,' and is signed by Peter Barwick, though the letters themselves are apparently written by a Mr. Woodward, who invariably desires his services. The duchess alluded to in the letters was the wife of Henry Cavendish, 2nd duke of Newcastle.)

Thanks him for his letter and news. Was at Newcastle house to take leave of his correspondent, but did not find him at home. Is sorry to hear my lady duchess has been ill. Desires his humble duty to her grace, as also his wife and daughter's (lady Dutton). His wife gives her service to his correspondent and the rest of the gentry with him. In a postscript does not doubt but that his correspondent will put her grace in mind 'to go warmer' both by night and day than formerly, and has spoken to her about it. Sends his service to Dr. Goodall, and desires him to send word how the college election went.

of the Duttons of Dutton in 1623.

n the heralds' college.)



Ita testor ex parte pre
JOH : DUTTON

(Signed) WILLIAM WRIGHTE.

(*To fold at p.* 102.)

(Folio 57.)

The same to the same.

Dated at Sherborne Oct. 2, 1689.

Received his letters and has written to the duchess. Would count it no small addition to the misfortunes of his present circumstances to be at such a distance from her grace during her indisposition, if he did not know his correspondent was continually at hand, who is as familiar with her body as himself, and more than anyone besides. Was necessitated to break up his house (in town) and retire for some reasons which he disclosed to her grace, which will detain him awhile. His son and daughter (sir Ralph and lady Dutton) will be at his house this next session of parliament, but if his wife and himself should return with them, he cannot so handsomely avoid keeping the house again. Desires his most humble duty to her grace, and his wife's and daughter's also. (Sealed with Barwick crest.)

(Folio 59.)

The same to the same.

Dated at Sherborne Oct. 9, 1689.

His correspondent's last letter has given him new life, for he was resolved to go himself. Did not think till his last letter but one that her grace had had any expectation of him, and took his correspondent's importunity for self-diffidence. It is well there is no necessity for him to take the journey, as one of his coach horses would have died upon the road, being since dead at home. His wife desires service. (Sealed with Barwick crest.)

(Folio 60.)

The same to the same.

Dated at Sherborne Oct. 12, 1689.

Is glad her grace remains free from fever. Thanks him for news. The newsletter by same post makes no mention of the taking of Bon. Hopes the learned men of the clergy will be very wary what they do with respect to the 'rites of the church,' and that they will distinguish between those ceremonies which have been derived to this particular church of England through all the ages of the catholic church, and those which are peculiar to the church, meaning such as she has established and has power to repeal. Is glad there is likely to be care taken to reform the abuses of ecclesiastical courts and the debaucheries of the clergy, which he hopes are not many, not, at least, for so great a number of men. Wishes likewise that they would deprive all those, whether of the bishops or clergy, who were assistant

to the promulgation of the declaration of indulgence, which he regards as a project by the Jesuits to ruin the church, and that they would restore those opposed to them. His wife desires service. Signed by him. In a postscript desires humble duty to her grace, with his wife's and daughter's. On the flyleaf is a further note: His correspondent may please to keep that side of the sheet to himself, and if he thinks fit communicate only the other to her grace, though he intends to write another to her without noticing some resentments which he finds his correspondent is under, and for that reason writes this distinct from the other letter. Is sure she has a great opinion of his correspondent's ability, and what passed between them no doubt proceeded from her disorder and perplexity of affairs than from any dislike of him and he would have his correspondent leave it unnoticed.

(Folio 65.)

The same to the same.

Dated at Sherborne Jan. 11, 1689-90.

Would have rendered his correspondent thanks by last post, but was not well enough, though better now, but still in a concern for his friend Mr. Simpson. Has been far less concerned in matters of much greater moment of his own, but fidelity to a trust ought to be of no small regard to an honest man. If Mr. Rawlinson had had any just objection to Mr. Simpson, whom he goes about unworthily to supplant, he would have heard of it before by letters sent to London, etc. Thanks his correspondent for his kindness to his daughter. Is sorry to hear that col. Needham is dead, but glad that he did not die in his correspondent's hands. Wishes Mrs. Chapman good success in her voyage to Jamaica. Desires all services to her grace, particularly Mr. and Mrs. Wright's and her sister's. Has received a very gracious letter from the duke of Newcastle, with more thanks than he has deserved; and for recommending his correspondent as her physician, who, his grace is pleased to say, does her not only very good service as a physician, but in other ways. It is in their news letter that three ruffians broke into Dr. Tenison's house with their swords, and that Westminster abbey had been robbed. But they suspend belief of these incidents, as they have never given much credit to the news-sheet since it stated that the king had sent for col. Ludlow out of Switzerland.

(Folio 66.)

The same to the same.

Dated Jan. 28, 1689-90.

Duke of Newcastle's lawsuits and affairs. Thanks his correspondent heartily for his kindness to his daughter (lady Dutton), and doubts not but she will make use of the powder, for he finds by her letter to her mother that it answers in everything to that she formerly received benefit from.

(Folio 67.)

The same to the same.

Dated at Sherborne Feb. 8, 1689-90.

Returns hearty thanks for the continuance of his correspondent's kindness to his daughter (lady Dutton). Her husband (sir Ralph Dutton) is come thither, but she had to remain behind in town, as the ways are not passable for a coach, nor could his wife and he have come at all had they delayed their journey for another week.

(Folio 69.)

The same to the same.

Dated at Sherborne Feb. 24, 1689-90.

Duchess of Newcastle's affairs. No news in those parts worth communicating.

(Folio 70.)

The same to the same.

Dated at Sherborne March 10, 1689-90.

His correspondent's last letter was not received till nine days after its date. Alludes to chemical experiments in the college laboratory.

(Folio 74.)

The same to the same.

Dated at Sherborne April 6, 1690.

His eyesight is become darker than it was when he was at Newcastle house, but he thinks not very much, for he can discern white and bright colours, such as red, if in a good light, so does not know whether his eyes are ready for couching. Intends to go to London after Easter. Has the greatest mind to go to Dr. Turbervill to couch them, but he is very old, though still in town. Showed them to Mrs. Lutlee last summer, who lives next door to sir Thomas Witherlyes and who has since married sir Thomas's servant. It is said she gets £100 yearly by couching of cataracts. Enquires as to her practice and charges. Requests his correspondent to see Dr. Burrell and Dr. Goodall, of the college of physicians, to explain that Dr. Burrell's letter came too late for him to be at the college in time, for they have no horses at Sherborne except what are at grass, and will take some weeks for fitting for travel. Is not able to ride on horseback, being blind. Thinks he has done so much for the college that they might have a little compassion on a man who has been so unhappy as to survive his eyesight, and yet had never anything else to live by.

(Folio 84.)

The same to the same.

Dated at Westminster June 27, 1690.

Condoles with his correspondent respecting the difficulties in which they are involved for the duchess. Wishes with all his heart that she had a strong vomit in her stomach. Medical details: too fond of oatmeal. His daughter (lady Dutton), he thanks God, is not quite so ill as she was when she wrote that letter which his wife had at Newhall, though still so far from well that they would be with her instantly, but detained by chancery bills.

(Folio 87.)

The same to the same.

Dated at Westminster July 10, 1690.

Had intended to have been at Oxford that night, having hired a coach for the purpose, and had sent to his son (Sir Ralph Dutton) to meet him there; but lord O'Bryan having fallen desperately ill of small-pox, he has to remain. Sir Edmund King and himself visit his lordship daily at Little Chelsea. Signed his faithful servant and fellow sufferer.

(Folio 89.)

The same to the same.

Dated at Sherborne July 18, 1690.

Arrived at Sherborne that day indifferently well, and found his daughter (lady Dutton) full enough of complaints. Asks his correspondent to try to get him some money on account from the duchess, as his own had run very low before he left town, and he was fain to leave debts unpaid. There is no man can keep house in London on three or four patients only, and his eyesight would reach no further. Is glad the vomits continue successful; they may wean her grace from her taste for oatmeal.

(Folio 90.)

The same to the same.

Dated at Sherborne July 28, 1690.

To let the duchess (who, he is glad, is better) know that he is at Sherborne with his daughter (lady Dutton), who is very much out of order. Wishes she were well enough to go up to London to lie in, as her intention is. Would not have been absent so long from her had it not been for the duchess.

(Folio 91.)

The same to the same.

Dated at Sherborne Aug. 25, 1690.

Thinks he will not be in town until the latter end of September, for his daughter's time, he thinks, will not be out until October. Has got such a pain in his thigh and leg that he is almost tempted to go to the Bath, though the season is so far spent; but money is so scarce in those parts, and he ran into debt in London when last there. Supposes the duchess of Newcastle has come to town and seen her daughter Albemarle, and that the countess of Thanet is brought to bed of a son. Will never think their lady duchess well recovered until his correspondent has seen her.

(Folio 95.)

Letter from the same to the same.

Dated at Sherborne Sept. 6, 1690.

Thinks he will be in town at the end of the month. Dreamt that the duchess was very angry with him for not writing to her. Hears lady Thanet is brought to bed of a daughter. In a postscript thinks if the duchess took some posset drink it would not be amiss for her vapours.

(Folio 96.)

Letter from the same to the duchess of Albemarle.

Dated at Sherborne Sept. 20, 1690.

Upon legal matters. (The duchess was Elizabeth, daughter of Henry Cavendish, 2nd duke of Newcastle, and widow of Christopher Monk, 2nd duke of Albemarle. Dr. Barwick was one of the parties to the duke of Albemarle's settlement in 1686, which is now with the Sherborne muniments.)

There are also letters from John Barwick, D.D., to Dr. French in 1633 and in 1663, and to Dr. Sancroft in 1663. (Harl. MS. 3,783, and Add. MS. 4,162.)

Sir John Dutton of Sherborne, bart.

1684—1743.

(Sloane MSS. 4,283, fol. 192.)

Letter from John Dutton (afterwards baronet), dated at Sherborne August 25, 1727, to 'Mons des Maizeaux at an Upholders ye Corner House of Hanover Street, Long Acre London—Free J. Dutton.'

(Letter in French.)

Has received the packet which his correspondent had the kindness to send him, and if he will please to forward to Mr. Williams the two volumes of the *Bibliothèque raisonée* which the writer wants, Mr. Williams will take care to send them to him. The registers of Llanthony abbey, which the writer mentioned, he will not find in the Cotton library, but in the King's library in St. James's palace, and is his very humble servant. Signed by him.

(Folio 194.)

Letter from the same.

Dated at Sherborne Jan. 26, 1742-3.

Commencing 'My good old friend.' Is heartily concerned to learn from his correspondent's last letter the ill state of his health and of his affairs, and very sorry that his correspondent has lost so good a friend in the primate of Ireland, who universally bore an amiable character. Has desired sir Thomas Reade to give his correspondent ten guineas, which he may receive any morning next week before nine o'clock, as sir Thomas usually goes out between nine o'clock and ten o'clock. Heartily wishes him better health, and is his affectionate friend. Signed by him. In a postscript Sir John and his sister return thanks for the almanacs.

Folio 196.

Letter from the same to Mons. des Maizeaux.

Dated at Williams's coffee house, Monday, three o'clock.

Commences 'Dear sir.' Sent that morning to his correspondent's house, where his servant was informed that his correspondent had gone to Marylebone for some days. If he can possibly do so, he desires to see him to-morrow morning by ten o'clock at latest at sir Thomas Reade's house in Golden square, where he wishes to talk with him on an affair of some consequence, and is his most affectionate friend. Signed by him.

(Sloane MSS. 4,056, fol. 304.)

Letter from sir John Dutton to Mons. des Maizeaux. (?)

Dated at Sherborne Sept. 20, 1740.

Commences 'Sir.' Is glad to acquaint him that he has found the physical treatise his correspondent mentioned, who will receive it on Wednesday next by Castle, the Burford carrier, who sets up at the Bell inn in Friday street. Heartily wishes him health.

Account of a remarkable run by lord Chedworth's and the Sherborne hounds in 1748.

The following description of a remarkable run by lord Chedworth's and the Sherborne hounds is taken from the *London Evening Post* (8-10 Dec., 1748, no. 3,293). The Mr. Dutton mentioned was James Lenox Dutton, nephew and successor of sir John Dutton, the last baronet of Sherborne. Lord Chedworth (John Thynne Howe) was son of the first lord Chedworth, who, according to the correspondence at Sherborne house, was a great friend of the family there. In sir John Dutton's time (1684-1743), according to his household accounts, the kennels were at Sherborne, and were probably continued by his nephew and successor. In 1738 the duke of Bolton presented sir John with thirteen hounds. Sir John was a great breeder of horses for that time; and one of his favourite mares was named 'Miss Tredegar.' A volume of pedigrees of the horses owned by him and his successor is at Sherborne house. The newspaper report of the run is as follows:

'We have receiv'd Advice from Cambden in Gloucestershire, that on Monday the 5th instant Lord Chedworth's and Mr. Dutton's Confederate Pack of Fox-Hounds has had the most remarkable Fox-Chace that ever was seen in those parts: They run a Fox five hours without a Check over the finest Country in England; no Chace could afford more Entertainment, no Hounds could pursue their game with more Steadiness and Resolution, no Fox could more boldly run over a fine Country, and no Sportsmen could pursue with more Spirit and Judgment in Riding; for it was remarkable, that there was not a Hunter at the Unkennelling that was not at the death; and not five Horses out of thirty able to go a mile farther: Many Horses were obliged to be blooded to save their lives.'

APPENDIX

OF

DUTTONIANA

APPENDIX OF DUTTONIANA

ACT OF PARLIAMENT RESPECTING THE DUTTON LAWSUIT AWARDED TO SIR PIERS DUTTON IN 1536—CHARGES BROUGHT AGAINST SIR PIERS IN 1537—A PRIEST'S REPORT UPON CHESHIRE SOCIETY IN 1536—THOMAS DUTTON'S FUNERAL SERMON IN 1614—DUTTON RECORDS AT HERALDS' COLLEGE—AT BRITISH MUSEUM—DUTTON WILLS AT CHESTER—INVENTORY OF THE CONTENTS OF HATTON HALL IN 1605—ROYALIST DUTTONS—DUTTON INQUISITIONS, 1298-1639—ENTRIES IN PARISH REGISTER OF GREAT BUDWORTH—SIR RICHARD DUTTON—DUTTON RECORDS AT THE BODLEIAN LIBRARY.

Act of Parliament in confirmation of the award made by Henry VIII. to sir Piers Dutton of Hatton, of the Dutton property.

Statutes of the realm, 27 Hen. VIII. (1535-36), c. 43.

AN Acte betwene Syr Pers Dutton & others. Where afore this tyme oure mooste dredd Soveraigne Lord Kyng Henry the eight of his mooste benyngne and tendre goodnes havyng a respecte to the quietnes of his pore Subjectes, at the humble requeste and suyte as well of Sir Peires Dutton Knyght Cosyn and nexte heire male unto Lawrence Dutton Esquier on the one partie, as of Sir William Molyneux and Sur Thomas Southworth Knyghts Thomas Aston and Richard Cholmeley Esquers four of the fyve Cosynges Copertiners and next heyres general to Sir Hugh Dutton Knyght and Dame Jane his Wyfe on the other partie, to his great travayle and payne made and declared in writing under his great Seale his mooste sage discrete and indyfferent awarde and arbytrement betwne the said parties of for and concernyng dyvers and sondry lordshippes manours landes tenementes and hereditamentes here underwrityn lyeng and beyng within the Countie of Chester, the tenour of the which awarde and arbytrement hereafter ensueth:

Henry the Eyght by the grace of God Kyng of England and of Fraunce defendour of the faith and Lorde of Ireland to all and singular our true and loving Subjects whiche shall see here or rede this present wrytyng indented of our mooste sincere and Riall award send (greatyng) in our Lorde everlasting. Whereas dyvers variances debates contencions and demaundes have been had and moved betwene oure wel beloved subjecte Sir Peires Dutton Knyght Cosyn and next heire male unto Laurance Dutton Esquyer, that is to say sonne of Peires Dutton sonne of Peires sonne of John sonne of Hugh sonne of Edmonde father of Peires Dutton Knyght deceased father of John Dutton father of Thomas Dutton Knyght brother of Roger father of the said Lawrence

Dutton Esquier, which said Edmunde before named was Cosyng and heire of Sur Hugh Dutton Knyght and of Dame Jane his Wyffe, that is to saye brother of Lawrence Dutton Knyght sonne of Thomas Dutton Knyght sonne and heire of the said Hugh Dutton Knyght and of Dame Jane his Wyffe, on the one partie; and oure welbeloved Subjectes Sir William Molyneux and Sir Thomas Southworth Knyghts and Thomas Aston and Richard Cholmonley Esquier foure of the fyve Cosyns copertyners and next heires general unto the said Hugh Dutton Knyght and Dame Jane his Wyff, that is to say heires of the bodies of foure of the fyve sondry dowters of the said Thomas Dutton Knyght sonne of the said John Dutton sonne of the said Peires Dutton Knyght, deceased sonne of the said Edmunde Dutton sonne of the said Thomas Dutton Knyght sonne of the said Hugh Dutton Knyght and Dame Jane his Wyff, on the other part; as well of for and upon the right title use interest and possession of all and singuler the Lordshippes Manours Landes Tenementes Reversions Rentes services and other Hereditaments with the appurtenaunces whiche were the Manours Landes Teñtis and Hereditaments of the said Syr Pyres Dutton Knyght sonne of Edmonde Dutton John Dutton Esquyer sonne and heyre of the same Sur Peyres and of Sur Thomas Dutton Knyght sonne and heire of the same John Dutton or of Roger Dutton brother of the said Sir Thomas or of any of theym or of eny of their Auncesters or any other person or personnes to the use of the said Sir Peires Dutton deceased John Thomas or Roger or of any of them or for any of theire Auncestours, lyeing or beying in the Countie of Chester or els where within the Royalme of England, as of for and upon dyvers other matters causes and demaundes rysen and growen betwene the said parties by reason of the same Manours, Landes Tenementes Rentes Revercions and services and other the premisses; For the (appeachyng) of whiche said variaunces and for a fynall concorde peace and unite to be had betwene the said parties concrnyng the premisses, as well the said Sir Peyres Dutton nowe lyvying as also the said foure of the said fyve Coperceners, that is to say the said Sur William Molyneux and Sur Thomas Southworth Knyghts Thomas Aston and Richard Cholmonley Esquyers, by their mutuall assentes in moost humble wyse have compromitted and submitted theym selfes to stonde to abyde obey kepe perfourme and fulfylle oure arbytrement awarde ordynaunce and juggement of and uppon the premisses and every of them; And for the more sure perfourmaunce their of the said Sir Peyres Dutton for hym and his heires, and the said Thomas Southworth Knyght and Thomas Aston Esquyre for themselfes and their heires and at the requeste of the said William Molyneux Knyght and Richard Cholmonley Esquier for the same Sir William and Richard and their heires, by their several recognysaunces made in our Court of Chauncerie in the xxiiii day of November last past have knowledged them selfes to owe eche unto other four thowsand poundes sterlyng as by the same severall recognisaunces and the several condic'ons made upon the same more playnely apperith: Where uppon we consideryng the said longe contynued variaunces and trobles had and moved betwene the said parties to theire greate inquietac'ons charges and detrymentes, whiche presently be unlyke to cesse unlesse hit shalbe by meane of oure equall decree sentence and determynacion to be made and yelden by this oure present arbytrement, have caused the tytles answers and replicacons of the said parties to be fully made repeted declared and shewed before the Jugges of our

lawes and other of oure lerned Councellers, and also the evidences wytnesses and allegac'ons of all the said parties, whiche by our said Jugges and Councellers with convenyent delibac'on beying growndely and maturely herde and understonded, not only by there especiall dylygence thereunto applyed att oure expresse commaundement, but also by their often heryngs of the more parties of the same by long tracte of time before the Lordes of oure honorable Councell in our Sterre Chamber at Westm', the same our Jugges, and lerned Councellers have made unto us true indyfferent and perfect report thereof as appertayneth :

Wherfore We ponderyng the effects and grounds of all matters and causes allegged and shewed by the said parties either agaynst other, and wyllyng as apperteyneth to our Ryall estate that tranquylite peace and unite shalbe from hensforth had in the premisses betwene the said parties their heyres and successours perpetually, make and declare by this presente indenture our abytrement ordynaunces and juggement of and upon the premisses in maner and fourme ensueng, that is to say ; Fyrste We awarde ordeyne and jugge that the said Sir Peyres Dutton nowe lyvying shall have holde and enjoye from hensforth, to hym and to his heires males of his bodye lawfully begoten, the Lordshippes Manours Londes Tenementes and other Hereditaments hereafter ensuying that is to say, the Manour of Dutton with thappurtenaunces and all the Meases Landes Tenements Medowes Woods and pastures in Dutton and Aston nere Dutton, with the Advoure of the Mynstrelles of the Countie of Chester and the Advowson of the Chapell of Pulsey, The Lordshippes Manours and Tenements of Weston Preston Barterton Legh Nesse in Wryall Lytle Moldesworth Acton, and Happesforde with the appurtenaunces, and all the Landes and Teñtes Reversions Rents and services Medowes Wodes Pastures, and all other Hereditaments which were the Manours Landes Tenementes and Hereditaments of the said Sir Peyres Dutton Knyght sonne of Edmonde Dutton John Dutton Esquier and Thomas Dutton Knyght or eny of theym or of any other persone or personnes to the use of theym or eny of them, lyeng or beyng in Weston Clyston Preston Barterton Legh Nesse in Wyrall Lytle Moldesworth Acton Happesforde Stonydunham Mich Barrawe Stoke Pycton Arrowe Nortwych Halton Thelewall Ouston Midelwiche Stanthorne and Everrancorne with the appurtenaunces, Excepte certeyn Landes and Tenementes in Legh aforesaid lately purchased of one John Wolley, and also except certeyn Landes and Tenementes in Northwych lately purchased of one Roger Sterky, and also excepte suche Landes and Tenementes in Halton aforesaid as be holden by Copie of Courte Rolles and not tayled to the heyres males, yf there be any suche ; And furthermore We awarde ordeyne and jugge that yf it fortune the said Sur Peeres Dutton Knyght, nowe lyvyng to decease withoute heires Males of his bodye lawfully begoten, then the said Manours Landes Tenementes and other Hereditamentes afore specified appoynted and awarded by this oure Awarde to the same Sur Peyres Dutton shall remayne to the right heires of the said Sir Thomas Dutton Knyght sonne of the said John Dutton : Also we awarde that the said Sir William Molyneux and Sir Thomas Southworth Knyghts Thomas Aston & Richard Cholmonley Esquiers and every of theym and the heires of every of theym on this side the feaste of Easter next comyng, at the costs and charges in every thyng concernyng the Lawe of the said Sur Peyres Dutton nowe lyvyng or of his heires and executors,

shall doo and suffer to be don and made all and every thyng or thynges act or actes matters and coveyaunces for the makyng sure of the said Manours Landes Tenèmente s and other Hereditaments by us as is above wrytten awarded to the said Sir Peyres Dutton and to the heires males of his bodye lawfully begotten, accordyng and in suche maner and fourme as by the lernyed Councellers of the same Sir Peires Dutton Knyght or of his said heires males of his bodye or of his executours shalbe devysed or advysed and by the same Sir Peirs his heirs or executours reasonably required of the said Sur William Sir Thomas Thomas and Richard or of eny of theym ; Also we awarde ordeyne and jugge that the said Sir William Molyneux and Sir Thomas Southworth Knyghts Thomas Aston and Richard Cholmonly and every of theym their heires and executours and the heirs and executours of every of theym, on this side the feaste of the purificacon of our blessed Lady Saynt Marie the Virgin next comyng, shall delyver or cause to be delyvered unto the said Sur Peires Dutton Knyght or to the heires males of his bodye or to the executours of the testament of the same Sir Peires, all and singular evydences charters writynges and minimentes only concernyng the said Manours Landes Tenementes and other Hereditaments by us by these presentes awarded to the said Sir Pieres Dutton and to his heires males of his bodie lawfully begotten, whiche the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley or eny of theym or eny other person or personnes by their delyvery or by the delyvery of any of theym hath or have in his or their custodie or possession, And which they or eny of theym may lawfully have optene or com by without suit, And also we awarde ordeyn and jugge that the said Sir Pieres Dutton knyght nowe living and the heires males of his bodie laufullye begotten from hensforth shall peaceably and quyetly have occupie and enjoye all the said Manours Landes Tenementes and other Heredytamentes to the same Sir Piers, by us in fourme above written awarded and jugged, without any lett disturbance molestacion or interupcion of the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley or of eny of them or of the heires of eny of theym or of eny other person or personnes by there assent procurement or abetting or by their meanes or by the meanes of eny of theym ; Also we awarde ordeyn and jugge that the said Sir William Molyneux and Sir Thomas Southworth Knyghts Thomas Aston and Richard Cholmonley Esquiers shall have holde and enjoye, to theym and to the heires of their bodies severally begotten as heires coperceners in that estate, foure parts of the Lordshippes Manours Landes Tenementes and Hereditaments hereafter ensuying, in fyve parts to be divyded, that is to say, the Lordshippes and Manours of Church Mynshull Aston in Modrem and Kekewyke with the appurtenaunces, and all those Londes Tenemen̄tes Medowes Woodes Pastures Reverc'ons Rentes services and other Hereditaments which were the Lordshippes Manours Landes and Tenementes of the said Sir Peires Dutton Knyght sonne of the said Edmonde Dutton John Dutton Sir Thomas Dutton Knyght sonne of the seid John Dutton or of eny of theyme, or of eny other person or personnes to the use of them or eny of them, lyeng or beyng in the townes parisshes and feldes of Church Mynshull Aston in Mondrem Kekewyke Kyngesley Norley Chorleton Codyngton Pulton Launceleyn Bradley Budworth in the Fryth Milneton Barneton Overwhitley Aston Nere Moldesworth Hellysby Frodisham and in the Citie of Chester, And all the Landes Tenementes and other Hereditaments

lyeng and beyng in Legh whiche were purchased of one John Wolley, and all the Landes Tenements and other Heraditaments in Northwiche whiche were purchased of Roger Sterky; And furthermore we awarde ordeyne and jugge that yf hit happen eny of the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley to decease withoute heire of his bodye lawfully begotten, That then the part of purport of every of theym which so shall fortune to decease withoute heire of his bodye, shall remayne to the heires of the bodie of the said Sur Thomas Dutton Knyght sonne of John Dutton next enheritable to the part of suche Copercener dyeng without issue, and to the heires of the bodies of the same heires lawfully begotten, And for defaulte of suche issue the remayndre thereof to the right heires of the same Sur Thomas Dutton for ever; Also we awarde that the said Sir William Molyneux and Sir Thomas Southworth Knyghts Thomas Aston and Richard Cholmonley and the heires of theire bodies severally begotten, with all the remaynders over in maner and fourme as is last before expressed, shall have all the said Landes and Tenementes in Halton which be holden by Copie of the Courte Roll whiche be not intayled to eny of the heires males of the said Edmonde Dutton yf any suche be; Also we awarde that the said Sir Piers now lyvyng and the heires males of his bodye lawfully begotten before the said feast of Ester nex comyng, shall do and suffer to be don at the costes and expences in every thyng concernyng the Lawe of the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley or of ther heires or executors all and every thynge or thyngs acte or actes matters or conveyance for the makyng sure of the said foure partes of all the said Lordshippes Manours Landes and Tenementes and other premisses to the same Sir William Sir Thomas Thomas and Richard, by us as is above written to them awarded with the remaynder therof in maner and fourme above expressed, accordyng as it shalbe reasonably devysed or advysed by the lerned Councellers of the same Sir William Sir Thomas Thomas and Richarde or of the Survyvour or Survivours of them or of the heires or executours of eny of them, and by the same Sir William Sir Thomas Thomas and Richard or eny of them or by the heirs or executors or eny of them reasonably required of the said Sir Peyres Dutton or of eny of his heires; And further we awarde ordeyne and jugge that the said Sir Peirs Dutton Knyght and the heires males of his bodye lawfully begotten, before the said feast of the Purificac'on of our Lady next comyng, shall delyver or cause to be delyvered unto the said foure coperceners, or to one of them reasonably makyng request to their uses, all Evidences Charters Writyngs and Mynymentes whiche he or his said heires have or then shall have in his or their kepyng or possession or in the kepyng of eny other person or persones by his or their delyvery concerning onely the said Manours Landes and Tenementes and other the premisses to the same foure Coperceners by us as is above written awarded and assigned; Also we awarde ordeyn and jugge that the same foure Coperceners that is to sey Sir William Molyneux Sir Thomas Southworth Knyghts Thomas Aston and Richard Cholmonley Esquyers and the heyres of their bodies severally begotten from hensforth shall peasebly and quietly take recyve and perceyve the issues revenues and profetts of the said foure parties of all the said Lordshippes Manours Londes and Tenementes whiche been by these our present awarde awarded and jugged to the same foure Coperceners, without any lett disturbance impediment molestacion or interrupcion of

the said Sir Piers Dutton nowe lyvyng or of his heires males of his bodie or of eny other person or personnes by his assent procurement or abettyng or by his means. And forasmoche as John Savage Esquier the fyveth of the fyve Coperceners is not at this present tyme at his lawful age of xxi yeres, by occasion whereof he is not partie among the said other his Coperceners to the said recognisaunces or bonds of Submyssion wheruppon we have made and declared this oure awarde, We therfore by these presentes awarde ordeyn and jugge that the said Sir Peires Dutton now lyvyng and the heires males of his bodye begotten and the same John Savage and the heires of the body of Elizabeth late wyffe of Raufe Bostoke begotton, that is to sey eyther of them ayenst the other shalbe at his and their liberties to stonde to this oure awarde or to refuse the same as to their interestes partes or portions shall offere or amount unto, and to take auauntage either agenste other accordyng to the Lawes of this our Royalme any thing in this oure awarde above written notwythstandyng; Provided alwey and never the lesse we awarde ordeyne and jugge that if the said John Savage Esquyer herafter happen to decease without heire of his bodie lawfully begotten, then and from thensforth the parte portion right interest title and use which nowe offereth or apperteyneth to the same John Savage, yf any such right title interest or use be of to or in the said Lordshippes Manours Landes Tenementes and other premysses by us awarded to the said Sir Peyres Dutton nowe lyvyng or of or in any of them, shall from hensforth succede be and remayne to the same Sur Peires Dutton and to the said heires males of his bodie with remaynders thereof to ensue in lyke maner fourme and effecte as we before have made and declared our awarde of and uppon the same Lordshippes Manours Landes and Tenementes, And then also and from thensforth the fyveth part and porcion resydue of all the said Lordshippes Manours Landes and Tenementes, wherof the other foure partes by us be awarded to the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley, shall succede be and remayne to the same Sir William Sir Thomas Thomas and Richard and the heires of ther bodies sundrely begotten in lyke maner forme and effecte as we before have made and declared our awarde of and uppon the same other foure partes of the same Lordshippes Manours Landes and Tenementes. Also we awarde ordeyne and jugge by these presentes that asmoche as shalbe necessary of all issues revenues and profetts comen and growen of the premisses awarded to the said Sir Peires Dutton nowe lyvyng or of any of them, whiche have been receyved and taken by Sir John Porte Knyght one of our Juges of oure Bench and by Sir William Leylond Knyght or by eny of them or any of their assignes over and above the resonable costes and labours of the same Receyvours recompensed, by reason of a decre or direccion thereof made by the Lordes of our Councell, shalbe appleyed and bestowed to and uppon the execucion of the last Wyll and testament of the said Laurence Dutton Esquier, and that the overplus or surplusage of the same issues revenues or profetts so receyved, yf any be, shalbe payed and delyvered to the said Sir Peires Dutton Knyght nowe lyvyng or to his executour without any lett or contradiccion of the said foure before named Coperceners or of any of them; And in case the said issues revenues and profetts receyved as is above written suffice not for and to the full performacon and payment of all legacies and bequestes and other thynges assigned or wylled by the said Testament and last will, whiche by the same testament or wyll

shuld be levyed or reysed of the issues and profetts of the premisses by us awarded to the said Sir Peyres Dutton or of eny of them over and above the said reasonable costes and labours of the said Receyvours deducted allowed and recompensed, Then we ordre ordeyn and jugge that the same Sir Peires Dutton and his said heires males shall paye and performe all the resydues of the same legacies bequestes and other thynges, according to the said laste wyll and testament, uppon reasonable requestes to the same Sir Peires or to his heires males to be made frome tyme to tyme by the parties havyng right or interest in or to the same legacies or bequestes or other thynges to be don. Also we awarde ordeyn and jugge that every of the said Sir Peires Dutton Sir William Molyneux Sir Thomas Southworth Knyghts Thomas Aston and Richard Cholmonley and the servants adherents and frendis of every of them shall stonde and be acquyted by vertue of these presentes ageynst the same Sur Peires Dutton Sir William Molyneux Sir Thomas Thomas and Richard and the one of theym agenst the other of all maner actes and trespasses and personall accions havyng begynnyng or cause before the makyng of this Indenture by reason of any of the premisses specified or mencioned in this Indenture. And fynally we awarde ordeyn and jugge that every thyng by us awarded ordeyned or jugged conteyned in this present Indenture of our award shall stonde ferme and stable invyolably to be observed performed and kept by every person or partie to the same, in every thyng poynt and article thereof, any former matter of Recorde matter in Dede or in Wrytyng or other formore thyng to the contrary therof or of any part therof beyng or extendyng in any wise notwithstonding. Savyng alwey to us and our heires all rights and titles to or in any of the premisses as yf this oure awarde had never ben made. In Witness of all which premisses above written we have caused oure greate Seale to be put to either part of this Indenture made in the xvith day of Maye in the xxvi. yere of oure reigne: As by the same awarde and arbitrement remaynynd in wrytyng indented under the greate seale of our said Soveraigne Lorde more planely appereth. His gracious pleasure now is that it be enacted and established by the auctorite of this present Parliament that the said awarde and arbitrement in fourme afore said made by His Highnes shall from hensforth stonde remayne and be in full strength force and effecte in every article clause and sentence before expressed to all constructions purposes and ententes accordyng to the purport true meaning tenour and effect of the same.

And that it be further enacted by the auctorite aforesaid that yf it shall happen the said Sir Peires Dutton nowe lyvyng to decease without heire male of his bodie laufully begotten, that then yt shalbe laufull to the right heires of Sir Thomas Dutton Knyght sonne of the said John, immediatlye after the said estate in tayle determyned for lak of issue male of the bodye of the said Sir Peires Dutton nowe lyvyng begotten, to entre into the said Manour of Dutton and in to all other the premisses before appoynted to the said Sur Peires by force of the said awarde and to holde reteyne and enjoye the same and every parcell theirof accordyng to the true meanyng purport tenor and effecte of the said awarde; Any recovere fyne discontynuance or other act or actes had don or suffred or in eny maner of wise hereafter to be had made don or suffred by the said Sir Peires or eny of the heirs males of his bodye laufully begotten to the contrary thereof in any wise notwithstondyng.

Provided alway that it shalbe laufull to the said Sir Peires Dutton and to every heire male of the bodye of the same Sir Peires Dutton laufully begotten to make Joynctour or Joynctours to eny of his or their wyf or wyffes, of and in the said Manour of Dutton and other the premisses to the said Sir Peires Dutton afore awarded and appoynted, or of any part or parcell theirof for terme of lyfe or lyves of the same wyf or wyffes; And also that it shalbe lawfull to the said Sir Peires and to every heire male of the bodie of the same Sir Peires Dutton lawfully begotten from tyme to tyme to make any Lease or Leases for terme of yeres lyfe or lyves to any person or persones of and in the same Manour of Dutton and other the premisses or any part therof afore awarded to the same Sir Peyres, yelding and reservyng durying the said terme or termes the aunceant rentes and fermes therof.

Savyng and reservying to all and singular persone and persones bodies polytyk and corporate their heires and successours and to the heyres and successours of every of them, other then the said Sir Peyres and the heires males of his bodye laufully begotten, all such right use interest entre accion possession leases fees rentes annuytes offices commons profetts and commodities whatsoever they be whiche they or eny of them have shulde myght or ought to have had afore the makyng of this present Acte of in or to the said Manours Landes Tenements and other the premisses or any part or parcell thereof, in suche lyke maner forme and condicon to all intentes construccons and purposes as yf this acte had never ben had nor made; any thyng in this Acte conteyned to the contrarie notwithstondyng.

And be it further enacted by the auctoritie aforesaid that yf it shall happen any of the said Sir William Molyneux Sir Thomas Southworth Thomas Aston or Richarde Cholmonley to decease without heire of his bodye laufully begotten, that then it shalbe lawfull to the next heire or heires of the said Sir Thomas Dutton Knyght sonne of the said John to entre into the parte or purpart of hym that shall so happen to dye without issue of his bodie as is aforesaid, of and in the said Manour of Church Mynshull and all other the premisses before appoynted and awarded to the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley by vertue of the said awarde, and to holde retayne and enjoye the same to the said next heire or heires of the same Sir Thomas Dutton and to the heires of his or theire bodies lawfully begotten accordyng to the tenour purport and effect of the same awarde; any recovery fyne discontynuance or other acte or actes had don or suffred or in any maner of wyse hereafter to be had don or suffred by the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley or eny of theym or the heire or heires of the bodie or bodies of hym or them or eny of them laufully begotten to the contrary in any wise notwithstondyng.

Provyded alwey that it shalbe lawfull to the said Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley, and to every of them and to the heires of the bodie of every of them laufully begotten, to make Joynctour or Joynctours to eny his or their wyff or wyves of and in his or their part or porcion of the said Manour of Church Mynshull and all other the premisses before to the same Sir William Molyneux Sir Thomas Southworth Thomas Aston, and Richard Cholmonley appoynted and awarded as is aforesaid for terme of lyff or lyves of the same Wyff or Wyves; And also that it

shall be laufull to the seid Sir William Molyneux Sir Thomas Southworth Thomas Aston and Richard Cholmonley and to every of them and to the heires of the bodye of every of them laufully begotton to make from tyme to tyme any lease or leases for terme of yeres lyf or lyves to eny persone or persones of and in his or their part or porcion of the same Manour of Church Mynshull and all other the premisses before to the same Sir William Sir Thomas Thomas Aston and Richard Cholmonley in fourme aforesaid appoynted and awarded; yeldyng and reservyng duryng the said terme or termes the olde rents and fermes thereof.

Savyng and reservyng to all and singuler persone and personnes bodies polytyke and corporate their heires and successours and to the heires and successours of every of theym, other then the said Sir William Sir Thomas Thomas Aston and Richard Cholmonley and the heires of their bodies and every of them, all suche right title use interest accion possession leases fees rentes annuyties offices commons profetts and commodities whatsoever they be whiche they or eny of them have shuld myght or ought to have had afore the makyng of this present Acte of in or to the said Manours Landes Tenementes and other the premisses or in any part or parcell therof in suche lyke maner forme and condicion to all ententes construccons and purposes as if this acte had never ben had or made; any thyng in this Acte conteyned to the contrary notwithstondyng.

Charges made against sir Piers Dutton of Dutton by sir John Done and others in 1537.

Sir John Done's petition to Henry VIII.

(Harl. MS., 283, fol. 15.)

Charges against sir Piers Dutton, sheriff, and Ralph Mainwaring, under-sheriff, according to Bill of Articles—Prays legal process against them so that the king may have the penalties.

'To the King our most dradde Soveraigne lord.

'Humbly shewith unto your noble grace your s'vnt and Oratour S^{r} John Done Knyght. That where div'se and many wrongs offences and mysdemeanours have ben done and comytted by S^{r} Piers Dutton Knyght Shiref of your Countie of Chester and Rauf Mainwng his under sheref and other the s'v'nts of the said S^{r} Piers Dutton aswell to your said s'v'nt as to div'se other your subjects w^{t}in the said Countie part of whiche mysdemeanors and offences shall appere to your grace by a bille of Articles therof hereunto annexed by reason wherof the said S^{r} Piers hath incurred by order of your Lawes into div'se penalties and forfeitures of grete somes of money to your hyghnes which wilbe amounte to the som of Eight score poundes Wherefore it may please your noble grace as well for your graces avantage as for due reformacion therof according to Justice to geve in comaundement to John Baker your graces gen'all attorney to put the said Sir Piers and Rauf Manw'yng in sute concernyng the p'mysses so that your grace may be duely answered of all the said forfaitures according as unto your hyghnes in that behalf apperteyneth or els that it wolle please yo^{r} hyghnes to graunte yo^{r} most gracious

lre's of Com'yssion to be directed to the right honourable Robert Erle of Sussex nowe abiding in those p'ties, to thintent that he may by v'tue thereof call bothe the said p'ties before hym and thereupon to here & examyn their bothe saiyngs allegeaunces and proves in and to the p'mysses wth the hole circumstaunce thereof And therupon to make true Relaci'on and Certificate to yo^{r} hyghnes what his lordship shall fynde know and p'ceive in that behalf.'

Sir John Done's Bill of Articles against sir Piers Dutton and his under sheriff.

(Harl. MS., 283, fol. 14.)

They have packed juries—Extortionate charges in the service of writs—Rioted in the king's forest—Peter Fieldy's case—Sir Piers obtained a writ to stop all legal proceedings against him as sheriff.

'To hys most dradde Sov'ayn lorde the Kyngs highnes.

'Articles of diverse misdemeanoures comitted and doon by Syr Pieres Dutton Sherif of the Countie of Chestre and Rauf Mannyng hes undre sherif and of diverse sommes of money forfaited unto the Kinges highnes by the said Sir Piers Dutton and Rauf Mannyng.

'ffurst the said Shirif and undershirif intending vntrue p'curement of enquests for mayntenance of such p'sons to whom they have been affectionate w^{t}out any respecte of Administracion of Justice haue retorned vpon many panelles betwene p'tie and p'tie the s'vantes of the said Sir Piers Dutton by reason whereof they haue forfaited to o^{r} said souv'ain lord the King for ev'y of suche s'v'nte so reto^{r}ned xl^{li} by force of the statute made in the xxiii yere of the reign of King Henry the sixt whiche will amounte in all to Eight score poundes at the Leste, certain of the names of whiche p'sons being s'v'ntes unto the said Sir Piers and reto^{r}ned by hym and his said undershirif be heraftre declared.

(Translation) 'County of Chester held Tuesday next before the feast of the Apostles Simon and Jude the xxvijth year of Hen. viij (26 Oct. 1535) in a panel of a certain assize of novel disseisin which John Sheppert and Richard Croke arraigned against Roger Horton and Peter Legh concerning his freehold in Coule.

'Jurors returned John Dutton of Hellesley, Rich Tylstan of Huxley, Laurence Hatton of Hatton } s'v'nts unto the said Sir Piers Dutton

'County of Chester held Tuesday next after the feast of S^{t} Hilary the xxvijth year of H. viij, in a panel between the lord King and Hugh Ewlowe and others indicted of trespass and riot by virtue of a writ *de venire* made xxiijth.

'Laurence Hatton de Hatton.

'It'm the said Shirif and undershirif haue extornously taken of many the Kinges subgictts w^{t}in the said County of Chester many somes of money as shalbe also sufficiently prouid by the p'ties . . . therof aswell for reto^{r}ning of writts as otherwise to the grete impoverishement of the Kings said subgictts w^{t}in in the said Countie by reason of whiche

belongeth to o^{r} said sov'ain many and diverse grete sommes of money by force of the said statute.

'It'm the said Sir Piers Dutton hath p'cured diverse of his s'vants vnder the colo^{r} of thoffice of Rangership of the fforest of o^{r} sov'ain lord the King called Mara and Mondrom to Kylle oon buk oon stagge of a harte and iij does of the King o^{r} sov'ain lords dere w^{t}in the said forest aswell in harnes by night as by daye in Riotous maner.

'It'm the s'vants of the said Sir Piers Dutton p'cured a grete Ryot to the nombre of ffifty p'sones and above to be made upon diverse the s'vants of Sir John Done Knight the Kings fforrester of the said fforest and letted them to fetche in a stagge of a hart whiche by chaunce was goin out of the said fforest.

'It'm there came two of the s'vants of the said Sir Piers Dutton whose names be George Holford and Rauf Mannyng accompanyed with oon Will'm Glasyer, to oon Peter ffeldaye beinge that tyme p'sone in the Castell of Chestre sayeing unto hym their maister sent them unto hym to desire hym in thair maisters name that he wolde appeche Piers Bryen oon of the s'vants of the said S^{r} John Done, And if he wolde so do, thair said maister wold gette the said ffelday his p'don, Whiche said ffeldaye utterly denyed to do, Sayeing he knewe no thing by the same Bryen but a true gentleman notw^{t}standinge the said Sir Piers had a co'mission to bringe up the said ffeldaye afore the Kings most honorable Counsaill and he being in the said Sir Piers custodie for the malice the same S^{r} Piers bere unto the said S^{r} John and his said s'vant p'voked the said ffelday to appeche the said bryn, and upon trust of his p'don he so did Whereupon the said Bryn was co'mitted to the Towre and there remayned by the space of xviij weeks to his grete impov'ishement whiche p'misses shalbe evidently p'ved.

'And for colouring aswell of the premisses as of many other Injuries and wronge by the said Shirif and undershirif doone to many . . . the Kings subgicttes w^{t}in the said Countie, The said S^{r} Piers Dutton hath obteyned and gotten a writte called a Sup'sedias theffecte whereof is that no man shall sue the said Shirif nor any of his s'vants w^{t}in the said Countie of Chestre for any matter or cause.'

Endorsed: 'M^{r} Dones Articles against Sir Piers Dutton *aliquid . . . quer.*'

Thomas Aston's complaint against sir Piers Dutton.

(Harl. MS., 2115, fol. 88.)

Sir Piers Dutton as deputy to sir E. Neville has appointed his own servants to keep the court baron of Halton—Dealings therein—Plot to waylay and murder complainant.

'To the right hon^{bl} Will'm Earle of Southampton lord Admirall of England and Chanceler of the Duchy of Lancaster.

'In most humble wise sheweth your good Lordship your daly orator Thomas Aston Esq^{r} atturney to our soveraine lord the Kinge within his fee of Halton p'cell of his duchy of Lanc. in the County of Chester that whereas tyme out of mynd for administration of Justice executed as well to his coppy houlders & tenants in the sayd fee as all other his majesties subiects dwelling in the sayd fee have byn seased of certane courts

called Court Baron halmotes & letes to be kept at Halton Thelwall and elsewhere in p'cint of the sayd fee before the steward or his legall deputy as hertofore hath byn accustomed etc. till of late tyme about 2 years since that one S^r^ Piers Dutton K^t^ being deputy to S^r^ Edward Nevell K^t^ in the sayd office of steward of Halton who intending the finall subversion of all good order and quietnesse in the sayd fee to reduce all things to his one will etc. hath appoynted one John Dutton Raf. Mann'inge John Wright Richard Massy & Laurence Hatton all his owne servants w^t^out any authority to keepe the sayd courts in the said fee of Halton w^ch^ John Dutton etc. by color of a pretensed deputation made to them from the sayd S^r^ Piers w^ch^ is but a deputy himselph : and have houlden before them all the Courts halmotes & leets in the sayd fee for this last yeare ; comandinge the Kinges subjects to appeare and answere pleas of debt Trespas & Covenant belonging to the Crowne of the Kinge & taken surenders of lands houlden by coppy of the Kinge to the great uncertainty of the estates conveyed by the surenders & like to bring great troble betwixt the heyres of the p'tyes to the surrenders and have bounden the frends and servants of the sayd Tho. Aston to the peace w^th^out just cause and to be Indited in the sayd Courts against all lawes of this Realme. that is to witt the sayd John Dutton etc. by p'curment of the sayd S^r^ Piers at a p'tended lete houlden Jo. Dutton Rafe Maninge Jo. Wright Rich. Massy and Richard Tylston in the fee of Halton at Thelwall the eve of Palme Sunday 29 yeare of H. 8. altred and changed a panell w^ch^ was returned before them & other servants then keepers of the sayd Leete by Thomas Grimfeld baly sergant of the Kinge as is of ould tyme accustomed in w^ch^ panell returned by the sayd bailif sergant the sayd Jo. Dutton etc. servants of S^r^ P. Dutton against the statute made xj H. 4. of their malitious mindes etc. entendinge to endite the sayd Tho. Aston his frends and servants added & of their one wills putt out the names of Peter leicester Tho. Dutton Jo. Venables James Massy Rob^t^ Carington Jo. Malbon Hen. Healy Rich. Plumbton Rand Wyrall Tho. Gregge of Halton & Rand Coppot being frends servants and tenants of the sayd S^r^ Peires and not returned by the sayd bayliff & after Jo. Dutton etc. : did sweare the sayd Peter leicester etc. not returned by the baylif together w^th^ Tho. Anderton & others w^ch^ weare returned charginge them to enquier etc. ; w^ch^ sayd Jury unlawfuly sworne at desire of the sayd S^r^ Peires did indite your sayd orator & Peter Aston his sonne Alex. Burton Rob^t^ Marten Will'm Pickeringe Geo. Gatliffe & Rob^t^ Malbon servants of your orator aswell of huntinge in Halton parke & Riotts not enquirable in any Leets moreover the sayd Jo. Dutton etc. : not therwith contented of cursed hatred to your orator at a colored halmote held before them at Halton the Tewsday in the feast of Marke the Evangeliste in the 30 yeare of H. 8. likwise altred a pannell returned before them by Edw. Brereton ballife of the Kinge etc. w^ch^ returned the said Rafe Manninge Jo. Dutton etc. accordingly against the statute aforsayd added & of their owne will w^th^out the ballys consent of Halton the names of Jo. Malbon Jo. Gregge Robt. Gardiner Roger Coryon Tho. Mason Gilb't Herb. Roger Jackson Jo. Weston & Hump. Kyrfote being frends servants & tenants of the sayd S^r^ Peires and were sworne w^th^ Rich. Plumpton & others that were returned by the ballif as of ancient custome etc. charginge them etc. vt sup'a your sayd orator & Peires Aston his sonne A. B. : R. M. & Will'm Pickeringe etc. *ut sup'a* for as much as the sayd court was voyd not kept before any sufficient judge and the pannells altred etc. all done

by malice of the sayd S^r^ Piers & his servants against your orator & his frends & servants & yet daly by unlawfull p'ces granted by them by culler of the sayd voyd Inditments the sayd S^r^ Peirs J. Dutton R. Maninge J. Wright R. Tilston & Rich. Massy in most shamfull manner against all law and Justice concluded and agreed havinge the keepinge of the Kinges Roules at Halton where the sayd S^r^ Peirs is deputy to S^r^ Ed. Neuell & John Savage esq^r^ the Kinges stewards of Halton in the said office of Steward haue written & made roules & records of the said Inditments by w^ch^ falshood in misexecutinge the sayd office of Steward is forfaited to the Kinge also under color of his office of Stewardshipp the sayd S^r^ Piers in May last wrongfully & w^t^out any authority awarded p'cepts in name of the Kinges steward to the balliffs sergant of the fee of Halton to attach the bodyes of your orator and certaine other frends servants & tenants of your orator to the nomber of 4 score p'sons and above by force of w^ch^ voyd p'cepts the sayd bayliff took and arested the bodyes of Richard Allgn Rich. Mortyn Hen. fairchild Tho. Yate Piers Haward Tho. Dutton Robt. Malbon Randle Okyll Rob^t^ Dutton Hugh Barten Will'm Hayward & others and them so arested Imp'soned in Halton Castell where they remayned till by complaint to the Kinges Chamberleyn of Chester of the sayd wrongfull Imp'sonment were by Writt removed from Halton Castell & discharged, all w^ch^ p'ces sutes etc. were malitiously invented & p'cured by the sayd S^r^ Peires for his pp' gaine in the sayd office, so that by the sayd extreme power & malice of him the (*sic*) shall be forced to leave their landes & famileys contrary to the Kings peace etc. further the sayd Rafe Maninge of mere malice by comand of the sayd S^r^ Peires caused a Court to warned (*sic*) in the fee of Halton in feaste of S^t^ Marke last past where the sayd Maninge expected your sayd Orrator would come as he was wont because he is attorney to our soveraine lord the Kinge and thinkinge to have murthered your orrator caused p'vey notise to be given before amongst all S^r^ Piers Duttons tenants in the Townes of Dutton Weston Preston Bortenton Leigh Ousten & Acton to make them redy against the sayd feist day & to come to such places as the should be appoynted before of w^ch^ warninge & monition & by the unlawfull p'curment of the sayd Maninge, the sayd Rafe Maninge Rich. Bruyn of Teruen Rich. Tilston of Huxley Piers Dutton of Newborogh Randle Rutter of same place Jo. Hatton of Legh Tho. Brydd late of Dutton Jo. Smyth of the same Nich. Cheshier of Preston Jo. Borrow of the same Rich. Street of the same Rafe Dutton of the same Hen. Birchenhead of Dersbury Jo. Hill of Dutton Jo. Harington of Halton Jo. Dutton of Preston . . . (*sic*) . . . of same Rob^t^ Tayler of same Rob^t^ Ockle of same Jo. Hatton late of Dutton sonne of Robt Hatton S^r^ Rich. Tayler of p'ston preest Hugh Vyder of same Rich. Ryder John Venables of Crawley gent. Tho. Kelsall of Preston Rich. Bulkley of same Regnald Massy of same Jo. Morbury of Legh Will'm Penkithman of Weston Tho. Penkithman of the same W^m^ Diconson of same Thomas Gregge of same Hankyn Bower of same Hen. Birchenhead of same Tho. Wyrall of Legh Jo. Janyon of same Tho. Norcott of p'ston Law Bothe of same Peirs Woodson of Acton Jo. Birchenhead of Weston W^m^ Baggeley of same Hugh flecher of same Rich. Janion of Dutton Jo. . . . (*sic*) . . . Coup' of Dutton Godfrey Dale of p'ston Tho. Wyrall sonne of Jo. Wyrall of Legh Hugh Wyrall of Legh Law. Stockton Gilbt. Wyrall of same Jo. Wyrall Robt. Bromfeld, Law Robinson Geo. Corbill Rand Wyrall Hump. Stred (*?*) Arnold Wyrall Hugh Basnett Hen. Toder Geo. Wilkinson Jo. Borowes Geo.

Caye Gilbt. Eaton Jo. Wyrall jun^{r} Jo. Mirbury Hugh Wilkockson W^{m} Peke Rand Pekke Law Somner Jo. Swain Rich. Ednell Rob^{t} Hevell Steph. Haselhurst Arnold Runcorne & Rob^{t} Ashbrooke in forcable & Riotus manner wth swords bucklers bills spears bowes Arrowes staves & other unlawfull weapons in harnese did assemble themselves in divers routes on S^{t} Markes day and in diuers ambushments to the nomber of 300 & above in woods & other places in Halton and Endley wood & Norton in the sayd lordship of Halton to the greate feere disquietnesse etc. of the Kinges subjects in thos p'ts where the sayd R. Maninge & the rest did lye in wayte between the house of your Orator & Halton town to have beaten wounded & slayn your orator had he not had monition of their cruell and malicious entent & so hindred their plott all w^{ch} came by meanes of S^{r} Peirs Dutton etc. in Tender consideration thereof may it please you comand the sayd S^{r} Peires here being present to make answere to the premises & to stay all suites etc. in any court & to direct p'ces to comand the sayd Jo. Dutton Rafe Maninge Rich. Massy Jo. Wright Rich. Tilston Peires Dutton Tho. Dutton of the Marsh Hen. Birchenhead to app' to answere etc.'

Sir William Brereton to Lord Cromwell.

Dated at Chester June 8 (1537).

(State papers, domestic, Henry VIII., vol. xii., pt. ii., No. 58.)

Encloses a confession obtained from Peter Fieldy while under sentence of death incriminating Sir Piers Dutton—Fieldy's confession—Had been a coiner of 'naughty crowns' and a 'great taker of partridges'—Represents himself as evilly influenced by Sir Piers under promise of pardon to bear false witness against Sir Piers' accusers—Lady Dutton sent for Fieldy from Islington to her lodgings in London and bribed him with the promise of a new coat.

'To the right honorable & my singler good lord, my lorde p'vye seale.

'Pleasith it yo^{r} hono^{r}able lordship to be adv'tised that according to yo^{r} Comaundement I examyned Piers ffeldys and shewed hym in the way as I came that there was no way of hym but death and that yo^{r} lordship had send hym into this countre here to suffer death Wherefore I exorted and advised hym after as I could to declare to me the truth in ev'y behalff And for somuche as he had cast away his bodie that he shulde save his soule Whereupon he confessed to me that he was p'mysed by S^{r} Peirs Dutton that he shuld have had his p'don Wherunto he had trusted unto that tyme and then knowing nothing but death said he wolde tell the truth whiche I thenke he hath nowe done And ev' as he confessed anythinge to me I made a boke therof And after my coming to Chester affore the mayre of the Citie ther & dyv's aldermen of the same and affore dyv'se ffrendes of the said S^{r} Piers Dutton whose names do appere in the seid boke I examyned the seid ffeldy upon the same, which his confession so taken I have sende yo^{r} lordship by this beyrer hereinclosed praying youe I may knowe yo^{r} further pleasure what I shall nowe do in the p'miss' which to me knowen I shall followe & p'fo^{r}me as fer as I can or may And forther beseke yo^{r} lordship to have me in rememberaunce in suche causes as I moved yo^{r} lordship in at my late beyng w^{t} youe for on yo^{r} lordship under the Kyngs grace is fully my trust And also that I may knowe your lord-

ships pleasure concernyng certen Recognisn'ncs which two of S^{r} Piers Duttons s'vants have lately forfeited to the Kyngs grace for insomuche as he hath a sup'sed for hym selff and all his s'vants I have & do stey the makyng fourthe of p'cesse therapon unto suche tyme I shell knowe yo^{r} lordships pleasure therin whether I shall make fourth nowe for the Kynge as in lyke cause afore tyme hath byn accustomed & used or not And thus the holy gost p's've yo^{r} lordship in hono^{r} from Chester the viijth day of June Yores to my letel power

(Signed) WILLYA' BRERETON.'

'The confession of Piers ffeldy condempned to death made at Chester the vth day of June in the xxixth yere of the reign of o^{r} sou'ygn lorde Kynge Henry the viijth (1537) affore Sy^{r} Will'm Brereton Sy^{r} Will'm Stanley Knyghts Will'm Gudman Mayre of the Citie of Chester Will'm Davidson, David Myddelton Henry Gee Aldermen of the seid Citie Will'm Stanley John Masey of podyngton and Robert Chauntrell esquiers.

'The seid ffeldy nowe knowyng nothyng to come of hym but death taketh upon his charge as he shall aunsware thet he untruly sclaunderet & accused Rondulph brreton late of Chester decessed, And that S^{r} piers Dutton Knyght George Holford piers Rauffson & Richard Masey s'vants to the seid Sy^{r} Piers did instant p'cure & busylie labo^{r} the seid ffeldy dyv'se and many tymes at Islyngton when he was in his custodie there to accuse the seid Rondulph Brreton of treason for receyvyng and utteryng of noghty Crownes whom aunswared that he knewe non suche mattor agaynst hym and the seid M^{r}. Dutton then seide ffeldy the same Rondulph hath done me many high displeasures, and therupon bade the seide ffeldy say that he & Rob^{t} hale shuld have brought to the seid Rond certen gold of false givene, and told the seid ffeldy that the said Hales ffather and the same Rondulph were very great by reason whereof he might well so sey and it wold the rather be beleved, and bade hym also sey that he was acqueinted w^{t} the seid Rondulph by reason he had sold hym p'tryches (partridges) for somuche as the seid ffeldy was a great taker of p'tryches & was wont to bryng theym to Chester to be sold and p'mysed the seid ffeldy if he wold so do that he wold get hym his p'don wherupon the seid ffeldy so did notw^{t}stondyng that he never knewe non suche matter agaynst the seid Rondulph, and further the seid S^{r} Piers bade the seid ffeldy onest up and care not for the matter whether it were true or otherwise for he wold get hym his p'don & it cost hym fyve hundreth merkes and insomuch as the ffeldy (*sic*) nowe knoweth himselff but a deade man he prayth that he may be suffered to aske forgifnes of his wiffe children & ffrendes.

'And also that he may be suffered in lyke wyse to aske M^{r}. Roger Ince forgyfnes which Ince the seid Sy^{r} Piers p'cured & caused the seid ffeldy to accuse of treason and bade hym say that he shuld be bye when the same Ince shuld haue fached certen noghty crownes from the shoppe of the seid Hale, and that he shuld haue delyv'ed theym to the seid Rondulph Brereton, and shewed the seid ffeldy that the matter layde agaynst the seid Randulph shuld be the better beleved which was not true wherfore he desireth the said Ince of forgifnes.

'And forth^{r} seith that the seid M^{r} Dutton did move & p'cure hym to accuse Rauff Rogerson of Chester of treason and the seid ffeldy seide he knewe not what he shuld

lay agaynst hym, & then the seid Mr. Dutton seide is there no bare fellowe that thou might say were of Counceill and shuld be bye when he shuld haue some noghty gold delyv'ed to hym and the seid ffeldy aunswared there was on John Armestronge which was a pyke purse & a Rover abowte whom resorted some tymes to Chester Why then seid the seid Mr. Dutton non better and then seide that he might say that he & the seid Armestronge shuld haue delyv'ed hym quenyng yrons (coining irons), and the seid ffeldy seide howe shuld I sey that I have delyv'ed hym quenyng yrons in the towne nay seid Mr Dutton say not so, name some place nere the towne Why seid the foreseid ffeldy I will sey that he mette us in Cotton woodde, yes seid Mr Dutton and sey that he and youe stroke certen crownes there wt the same quenyng yrons Wherupon the seid ffeldy so did insomuch as the seid Maister Dutton had p'mysed hym his p'don, and also suffered hym then beynge condempned to goo at the bulles & otherwise at his pleesure a myle or more from the Towne havyng no man' fastnes but only a lok at his fete the bolt wherof wold some tymes fall out it selff, so that the seid ffeldy might have gone away dyv'se tymes and wold not insomuch as he thought hym suer of his p'don by the seid Syr Piers to be gotten accordyng as he had mony tymes p'mysed him which made hym more bold to sey what he bade hym sey, and also seith that at his beying in the castell of Chester in a p'vy there by the gates Rauff Mannyng vnder Sheriff of Chesshir George Holford s'vants to the seid Mr Dutton and Will'm Glasior of Chester desired and p'cured hym to accuse piers Bruyn of Tervyn of treason and to sey that he shuld have certen Crownes to the nombre of xiii. of the delyv'aunce of the seid ffeldy & John Cotgreve, and afterwards the seid Syr Piers Dutton in goyng towards London by hynde Lichefeld moved the seid ffeldy in lyke man' hym selff and bade hym so do and put no doubt but he shuld have his p'don.

'And also seith that the seid Mr Dutton moved hym to accuse of treason Sr John Donne Knyght Sr Rond' Pole Clerk & Sr Will'am Pole Knyght & gett thym up & care not whether the mater were true or false and bade hym sey that the seid Sr John Donne shuld have receyved div'se noghty crownes of on Steven Sumpnor whom was ten'nt & s'vant to the seid Mr Donne and that he myght well so do for somuch as the seid Sumpnor was accused of treason hym selffe and had resorted many tymes to the howse of the seid Sr John Donne & did use to s've his horses, & that the seid ffeldy had taken hym p'tryges & by reason therof oft resorted to his howse in company of the seid Sumpnor, and the seid Sr Rondolph Pole was a great gamener & it wold be thought that he myght utter thym well, and the seid ffeldy seith that he durst not well lay ne justifie any suche mater ageynst theym which he knewe was not true by cause he had accused so many and thought if any moo shuld come up they wold all crye out upon hym so that he durst not so do, and the seid Mr Dutton & his s'vants seid he most nede accuse some great men & put hym in comford that he was in so great favor wt the Kynge & his counceill & seid he myght p'ceyve that verey well hym selff he see howe he was taken, and afterward shewed hym that the seid Maister Dutton for suche favor as the Kynge seid counceill had hym in was made sheriff agayn so that he nedet not to doubte but that he coulde & wolde gett hym hys p'don which put hym in suche comford that he nothing dowted therof And that at suche tymes as he was at lyb'tie and myght haue made div'se escapes from the custodye of the seid Syr piers he wold not trustyng

to the p'myse of the seid Sy^{r} Piers the rather in somuche as he had lyb'tie to go into the felds a myle or more from the towne, and also went many tymes through div'se seyntuaries at Westm' & Seynt M'tens he & on John ffrodesh'm beyng both pryson's in the custodie of Henry leddess'm s'vant to the seid M^{r} Dutton and no othr man w^{t} thym which cawsed hym to think that he was suer of his p'don, And also seith that afterward thabbot of Norton & Robt. Jermyn were brought vp and there was no man to justifie ne p've suche mater as was laide agaynest theym The seid M^{r} Dutton desired the seid ffeldy to accuse thym of treason seyng he myght lay some mater agaynst theym & bade hym so do & fere not whether it were true or false for he shuld be suer of his p'don, and also seith that my ladie Dutton send for the seid ffeldy from Islyngton to her loggyng in London and bade hym do accordyng as her husband had desired hym, and doubt for nothing and she wold giff hym a newe Cote which she did send to bye and afterwards her s'vants advysed her the contrary seyng if he shuld have newe clothes it shuld be suspect that he had beyryng of some mony, and therapon she steyed and gave hym non.

'And also the seid ffeldy seith that at suche tyme as it was knowen that he shuld be co'myt to the Towre and be delyv'ed out of the custodie of the seid M^{r} Dutton he was required many tymes and comaundet by the seid M^{r} Dutton & also busylie labored by Rauff Mannyng John Dutton & others s'vants to the seid Sy^{r} Piers that he in any wise shuld styk to his tale & justifie and abide by the same for if he did varie it was not possible for hym to get hym his p'don Wherapon the seid ffeldy so did, and not^{w}'stondyng that he was many tymes examyned affore the Kyngs most hono^{r}able Counceill whether he were p'cured by any man to allegg & sey the p'myss' or any p'te therof utterly denyed the same trus$\dot{t}$yng that by the p'myse which the seid Sy^{r} piers had made hym he shuld be delyv'ed & have the Kyngs p'don, and further seith that it was concludet bytwixt the said S^{r} Piers & the seid ffeldye that some of the s'vants of the seid S^{r} Piers shuld be p'sent at suche tyme as the forseid ffeldy shuld be examyned affore the Kyngs seid Counceill after he shuld be put from the custodie of the seid Sy^{r} piers Dutton, and that if any suche p'son were named to hym as the said Sy^{r} piers wold haue mater to be laide agaynst, that then on of the s'vants of the same Sy^{r} Piers which shuld then chaunce to be p'sent & knowe his mynde affore shuld hold vp his ffynger, and if any other were named that he wolde no matter shuld be layde vnto he shuld put down his hande And in case the seid ffeldyes seyng in their absence were well taken affore the Kyngs seid Counceill agaynest suche p'sons as he had then accused, that then the seid ffeldy when he sawe any of the seid M^{r} Duttons s'vants shuld hold up his fynger, and if it were not well taken he shuld hold it downe, and by this meanes yehe of theym shuld knowe what comford thother had in their busynes, And forther seith that he had suche comford of the seid M^{r} Dutton & his s'vants & was by theym so muche curraged & Charysshed that in case the seid M^{r} Dutton or any of his s'vants had willed hym to accuse his owne father whom he knew to be a true man yet then in safegard of his owne liff he wold have accused his seid father, if he had byn so comaundet or desired by the seid M^{r} Dutton or his s'vants

'And also seith that John Wynbury whom was s'vant to the seid Sy^{r} Piers was a great maker gilder & utterer of false Crownes, And that he sawe the seid Wynbury

deliver to the foreseid Rauff Mannyng at on tyme in the howse of Hugh Hanky in Chester xiij noghty crownes, and at on other tyme when he was acquynted better w^{t} theym the seid Wynbury shewed the foreseid ffeldy that he had delyv'ed to the forseid George Holford dyv'se noghty crownes And that the foreseid Holford did then sey to the seid Wynbury that he could utter theym vell by cause he receyved muche money And forasmuche as the seid Holford was s'vant to the seid Sy^{r} piers and that the same George Piers Rauffson & others s'vants to the seid S^{r} Piers co'moned w^{t} hym of the seid Wynbury & shewed hym he was their meisters s'vant, he durst not accuse hym ne non other that he knewe to belonge to the seid Sy^{r} Piers for feare he wold have favored hym the lesse

'And also seith that Rob't Hale shewed hym that he had delyv'ed to the seid Mannyng many noghty Crownes at dyv'se tymes in tav'nes in Chester which Mannyng uttered the same

'And also seith that Jankyn Aldersey had many noghty crownes delyv'ed hym at dyv'se tymes by Rob't Hale & Thomas Cotgreve at bekwiks howse in Chester and at a tav'ne by the est gate, And the seid Aldersey beyng accused thereof by the seid Hale the said ffeldy durst lay no matter to hym bycause he was Sy^{r} Piers Duttons frende but ever excused hym and pleadet agaynst the seid Hale therein many tymes

'And also seith that M^{r} Hugh Thewley of Yorkshire Clothyo^{r} hath receyved many noghty Crownes of the seid Hale & Cotgreve at the seid Hales howse & other placs in Chester, And that the seid ffeldy was p'sent at on tyme at the seid Hales howse in Chester And that the seid Thewley then gave hym a Cote Cloth to be of their Counceill & kepe it.'

Endorsed: 'S^{r} W^{m} Brereton viij Junii 1537 w^{t} a confession.'

Sir William Brereton to lord Cromwell.

Dated at Brereton Aug. 29 (1537).

(State papers, domestic, Henry VIII.)

Complaints of sir Piers Dutton in executing Fieldy—Reported that sir Piers 'may say do and command what he will'—The writer has discharged the abbot and canons of Norton upon surety—Fieldy's confession 'standing at Boughton at the cross there before the place of execution'—Sir Piers would have Fieldy shriven by his own priest at Hatton, who calls sir Piers 'master'—Fieldy's parting advice, 'Masters, never trust to knight, esquire, ne gentleman'—Three pairs of 'coining irons' in use in the shire.

'To the right honorable and my most especiall gud lorde, my lord p'vy seale be this geven.

'Right hono'able and my right singler gud lorde my bounden dueties p'mysed please it the same to be adv'tised where it lately pleased yo^{r} lordship to direct yo^{r} hono^{r}able lres unto S^{r} Peires Dutton aswell for delyv'ance of on Peires ffeldy theretofore my p'soner by yo^{r} lordships appoyntment whom he hadde w^{t} force taken out of my seid custodie from the Kinges castell at Chester as also as I then

p'ceyvid for his apparaunce before yo^{r} lordship t'answare to his said mysdemeanor in that behalf the same yo^{r} lre's were delyv'ed unto hym at Dutton the xth day of this August who then answared he wolde make yo^{r} lordship an answare thereunto which he regarded verey light, my lorde I declared unto yo^{r} lordship at Wyndsor his mysdemeano^{r} in the p'miss' which I assure yo^{r} lordship is and shalbe fully approved to be verey truth in ev'y behalf and further he toke the seid ffeldy upon the wensday and conveyed hym to his howse at Hatton and there contynued and kept hym untill the sat'day cont'y to yo^{r} com'aundeme't and then put hym to execuc'on at boughton w^{t}in the lib'ties of the citie of Chester where at his seid execuc'on he made confession which I have sende yo^{r} lordship herein closed by the whiche he hathe denyed no part of his form' confession made before the maire of Chester me & others at Chester but hath affirmed the same to be true as by his seid last confession shall appere unto y^{or} lordship, I insure yo^{r} lordship it is reported and spoken in the countre here by his ffrends openly that he may say do and com'aunde what he will and no man to correke ne deny hym the same and so it appereth he doth litill regerde yo^{r} lordships com'aundeme't and in cause he shalbe so suffered to do w^{t}out punyshement it wilbe so supposed in the whole shire wherefore it may please yo^{r} gud lordship to consider the p'misses and that by suche meane as by yo^{r} lordship shalbe thought aswell he may be comanded to make answare unto the p'miss' as other his s'nnts offenders to be ordered as shalbe also thought by y^{r} lordship for otherwise I will not attempt any thing by no meanes which yo^{r} lordships pleasure herin it may please the same I may p'ceyve by my son this berer unto whom I wolde humbly beseke youe to take credence, my lorde I lately Receyvid yo^{r} other lres conc'nyng the discharge of the late abbot and chanons of Norton and apon sufficient suerties by theym founde for theire appar'nnce I have discharged theym accordingly, as knoweth o^{r} lorde who ev' p's've yo^{r} lordship in hono^{r}, Written at Brereton the xxixth of August (1537) Yo^{rs} to my lytyle power

'(Signed) Willya' Brereton.'

Endorsed: 'W^{m} Brereton xxix Aug^{t} p'ticuler lres.'

'The confession and saying of Peires ffeldy apon his death at his execuc'on at Boughton.

'M^{d} that peires ffeldy staunding at Boughton at the crosse there before the place of execuc'on the Sat'day the fou^{r}te day of August in the xxixth yere of the reign of King Henry theght (1537) affore he went to the seid place of execuc'on openly desired and required to haue a discrete gostely ffather to here his confession notw^{t}stonding that there was a p'st appoynted unto him at Hatton by S^{r} peires Dutton to here his seid confession there who by comaundement of the seid S^{r} Peires hadde byn w^{t} the seid ffeldy at Hatton foreseid the day before being fryday all day and the same Sat'day came w^{t} hym from Hatton to the seid place of execuc'on and was then p'sent w^{t} hym and dyvr's and many other p'sts and ffreres amonge whom there was on John Hurleton frere p'or of the whit ffreres of Chester being a verey discrete man who then came to have herde and confessed the seid ffeldy according to his requeste whom suche the s'nnts of the seid S^{r} Peires as then hadde the custodie of the seid ffelde wolde not suffer so to do nor any

other of the seid p'sts or ffreres but onely the seid p'st so appoynted by the seid S^{r} Peires as is affore seid who is the assured lover and ffrende of the same S^{r} Peires and calleth hym maister and hath bin yerely ffee or wage of the seid S^{r} Peires of twenty shillings st'ling during his lif, And after the seid ffeldy stonding at Boughton foreseid at the seid place of execuc'on apon the ladder there the seid day and yere openly confessed and sayd that he theretofore hadde accused Neventh (and named) p'sons of the Citie and Countie of Chester of Treason and amonge other he then named on Rauff Rogerson of Chester whom being then there p'sent he then asked forgyvenes on Peires bruyne of Tervyn whose ffrende he then asked forgyuenes on Roger Ince of Chester whom the (*sic*) then also asked forgynes and on Rondulph Brereton late of Chester deceased whose wif and children he then asked forgyvenes and then apon his death confessed and sayd that he hadde wrangfully and untruly sclaundered and accused the seid p'sons and that he never knewe anything by theym ne any of theym but that they were true men and then sayd to the wif of the seid Rondulph these words hale did accuse the seid Rondulph aswel as I how be it he hadde never comme upp to London but through my accusac'on (which I did by counsell) and the seid ffeldy then being required to declare the truth and shewe what moven hym to accuse the seid Rondulph and other the seid p'sons and by whose p'cureme't and counsell he hadde so done answared and sayd I will not utter ne declare that nowe to sett debate amonge the gentilmen of the shire and sayd Maisters never trust to Knight esquier ne gentilman (for I was faire p'mysed) howbeit it is an old saying faire words make fooles fayne, whiche saying he rehersed twice or thryce over and also the same ffeldy being then put in remembraunce of a confession whiche he theretofore lately made in the Castell of Chester affore dyv's worshipphull men there And also required that he then knowing to die shulde openly there declare whither the same was true or not answared and sayd that confession that I made there was wrytten and as I thinke the Kyngs counsell hath knowledge thereof, and the same is true, and that y^{t} I have said I have said, and then on Rauff Mannyng spake to hym and said ffeldy thowe did accuse me is that true or not God forgyf the and I do, And then the seid ffeldy loked apon hym and made hym no answare ne request of forgyvenes and then the seid ffeldy accused on Hollande of Assheton and sayd the same Hollande hadde hired hym and other two to haue beten on Robert Croket of Barton for taking of an horse and that the seid Hollande hadde giffen hym p'te of the money that he hadde p'mysed theym for theire labo^{r} and sayd he hadde p'mysed theym a marke by yere so long as they lyved if they hadde kylled the seid Crokett or so long as they shulde lie fo^{r}th for the stryking of hym which the seid Hollande then being p'sent denyed and the seid ffeldy toke it apon his death that the same was true saying Hollande thowe art my mortall enemy and also the seid ffeldy further confessed and sayd that there were thre paires of Coynyng yrons in the shire and that some p'sons were then apon that grounde there and herde hym speke that hadde Coynyng yrons and then further he was sodenly turned beside the lader by the s'n'nts of the seid Sy^{r} Peires and so dyed w^{t} any (*sic*) further declaracon therein made or any stay or demaunde made to hym to open or declare who hadde the sames (*sic*).

Sir William Brereton to lord Cromwell.

Dated at Brereton Jan. 2 [1537-8?].

(State papers, domestic, Henry VIII., vol. xiii., pt. i., No. 17.)

Sir Henry Delves, sheriff, being a friend of sir Piers Dutton, refuses to admit Thomas Hurleton to be deputy—Dame Julian, wife of sir Piers Dutton, rescues an offender, whom she keeps at Dutton—Hurleton well recommended.

'To the right honorable and my most singler gud lorde my lorde p'vy seale so it done (*sic*).

'Right hon'able and my most singler gud lorde after my humble dueties p'mised please it the same to be adv'tised where yo^{r} lordship heretofore addressed yo^{r} lres unto sir Henry Delves knight shiref of this the Countie of Chester for this yere for thadmyssion of on Thomas Hurleton to be his deputie in the seid office for the due and true execuc'on of the same my lorde it is so the seid shiref in no wise wolde ne as yet hath admyt the seid Thomas his deputie in the same for such favo^{r} he bereth and intendith to Sir Peires Dutton and his ffrends cont'y to yo^{r} lordships seid lres and Justice notw^{t}stonding the same Thomas hath offered hymself to do the King and hym c'ten and true s'vice according unto the same yo^{r} lordships lre's but sayd he had made yo^{r} lordship answare therin and that the seid Thomas shulde not be his deputie as my s'vant this berer can further declare unto yo^{r} lordship to whom it may please the same to gif credence, my lorde there was lately a p'son named George Mulington which confessed and declared many mysdemeano^{rs} and offencs co'myt and done by dyv's p'sons for Kylling and destroying the Kings dere and game w^{t}in his fforest of Dalamere and other his chases and p'kes w^{t}in this seid countie and that the same Mulyngton hadde hymself lykewise offended whereupon I for the due punyshement of the seid offenders lately direct the Kings p'ces for the sames and for y^{t} the seid Mulington hadde likewise offended hymself as before is seid I also direct out p'ces unto the Kings bailif err'unt of the same Countie for thapprehending of the seid Mulington to be ordered for his offences according to the Kings lawes which seid bailif at Dutton in the seid Countie the xiijth day of December last past attached the seid offender and hym so being under his attachement and Custodye wolde have brought unto the Kings castell of Chester into his Exchequer there according to the Kings seid wrytt to have byn ordered for his offences according to Justice, howe be it on Dame Julian wif to the seid Syr Peires Dutton w^{t} dyv's his s'vants then and there rescowed and took the seid Mulington from the Kings seid bailif and in no wise wolde suffer hym to bring the same offender to the Kings seid co^{r}te but cont'y to the Kings seid wrytt and theire dueties in y^{t} behalf w^{t} force did deteyne and as yet do kepe the same offender at Dutton foreseid w^{t}out punyshement wherefore I oftsones direct fourth other p'ces onto the seid sherif for the apprehending of the same offender who of suche favo^{r} he berith unto the seid s^{r} Peires Dutton and his ffrends notw^{t}stonding he hadde convenyent and sufficient tyme for the due execuc'on of the same Reto^{r}ned apon the seid wryt a delaye & untrue Reto^{r}ne as by the same unto yo^{r} lordship by my seid s'rvant this berer may appere the said offender being at Dutton afforesaid w^{t}in xvjth (*sic*) myles to the mancyon place of

the seid Shiref by reason wherof the Kings lawes his wryts ne p'cepts be not indifferently used ne executed agaynst the seid offender the seid Dame Julian ne any other the ffrends of the seid S^{r} Peires nor be lyke to be if the p'mysses shall passe unpunyshed and some indifferent undershiref by yo^{r} lordship be not appoynted wherefore it may please yo^{r} gud lordship for the due admynistrac'on of Justice here after to be hadde and the weal of the shire according unto yo^{r} lordships fo^{r}m' lre's and pleasure unto hym declared eftsones to wryte and com'aunde hym yo^{r} pleasure to admyt the seid Thomas Hurleton his deputie whom I insure yo^{r} lordship is a verey honest man and wold do and vse indifferency unto all p'ties w^{t}out p'cialitie or favo^{r} and he w^{t} many of the most worshipphull of the shire if so please yo^{r} lordship wolbe bounden for his so doing, my lorde the seid shiref lately send on broke vnto me to have byn admyt his deputie in the sayde office who is not mete ne can exercise the same wherefore the seid late mysdemeano^{r} of the seid shiref considered I have rested the same unto yo^{r} lordships pleasure further to me therein be knowen wherof I shall humble besek yo^{r} lordship I may be ass'tened and what I shall further do conc'nyng the punyshment of the seid offenders and mysdemeano^{rs} of the seid shiref which to me knowen I shall reight gladely w^{t} all diligence accomplishe god willinge who p'sve yo^{r} lordship in hono^{r} at Brereton the secunde day of January (1537-8 ?) yores to my lytell power

'(Signed) WYLLYA' BRERETON.'

Endorsed: 'S^{r} Will'm Brereton January ij.'

A priest's report upon the state of Cheshire society in the sixteenth century.

(State papers, domestic, Henry VIII., vol. viii., 496.)

Report to Cromwell by his chaplain of the state of Cheshire society, made about 1536*—Manner of life of the Duttons, Warburtons and others 'noctu diuque'—Sir Piers Warburton of Warburton and Arley—'A right good and a beautiful gentlewoman to his wife'—Strange scene at Great Budworth—Glimpse of the pre-reformation vicars of Great Budworth and Runcorn.*

One of the most curious state-papers now remaining in the public record office is a report made to (Henry the eighth's) Cromwell by his chaplain respecting the state of Cheshire society with regard to 'evil-livers,' about the year 1536. It is supposed to have been written by a priest named Adam Beacausau, and coming from such a source, its statements, perhaps, require confirmation. The Warburtons and Duttons are represented as the chief offenders, though the Duttons mentioned were not of the direct legitimate line; and sir Piers Dutton, the family representative who was living at Dutton at the time, is not named. Most of the other principal families were involved, and even the pre-reformation vicars of Great Budworth and Runcorn do not escape the chaplain's censure. The sir Piers Warburton of Warburton and Arley, who is so particularly alluded to, died in 1550. His wife, whom the priest describes as 'a right good and a beautiful gentlewoman,' was Elizabeth, daughter and coheir of Richard Winnington, and he was married, or betrothed, to her when she was ten years old. His grand-

father is said to have been known as 'the wise Piers Warburton' (Calendar of Arley charters). 'The Cock,' an ancient hostelry still remaining near Great Budworth, is probably where sir Piers chose to remain, as complained of by the priest, instead of at his own house at Arley, which would be about two miles distant, as the priest mentions. Yet sir Piers in his testamentary deed particularly enjoined 'his son to make his continual abode at Arley, and keep up such hospitality as he and his ancestors in their manorhouses . . . had ever used aforetime' (Calendar of Arley charters xxiv.). The report is altogether so curious a document of the time; and not having hitherto been printed, it is here given, with a few of the passages freely rendered into Latin:

'Certein p'sones presented as sklaundrous & evyll lyvers in a vysytacon made in Lanc' & Chest^{r} shires.

'Wher yt hathe plesyd your mast^{r}ship to com'and me your poore orator and chaplen to prescrybe, and truly w^{t}thout cullur, or dyssymblyng, to set forthe all sucche offensys, or fawtys, as ben worthy reformacyon, or fordar correcyon w^{t}in the cou'tye of Chest^{r} to the honor of our moste g'cyus prynce and the gret stabylyshme't and quyetnes of the same cu'trye in specyall callyd Cheshyre. I therefore your moste hu'byll obedyencor beseche your mast^{r}shypp to take in good parte thys my rude wryty'g, and only regarde the very dyscrypcyon of the truthe in these matt^{r}s folowy'g and fordar that yt may plese you (of your benygne goodness) to suppose in me the beste, what so ev' synyst^{r} informacyon hath ben made to you of me, and that ye wolde esteme me to be sueche on, as wolde so joyfully and w^{t} a glad hart, gratyfe (leke as my dewtye ys) my prynce w^{t} all my myght, and force and w^{t} all spedye dylyge'ce acco'plyshe your natt only polyteke, but also most Charytalbull com'adme't as ony poore pryste wthin thys remne, as know^{t} god. fyrste ther was a cruel murdar com'ytted wthin the towne of budworth, be on Jho' Worb'to, son to S^{r} Joh' Werburto' knyte, and brodur to S^{r} Pet^{r} Werburto' at Decembyre aboute thys tyme twelve monythys and as I hard say thus yt was doon, thys Joh' Werburton whyche hath and had the' (then) an honeste wyfe' *in stupro cum uxore vivebat* 'of on Richarde Ky'd^{r}dale and at a tyme whe' Rychard spyyd the man' of the' he blamyd hys wyfe and fordar aft^{r} that he correctyd for natt desysty'g fro' hyr lewyd ong'cyus liffvy'g, and yet shortly aft^{r}' *eundem Johannem suspiciosissime cum suo uxore ludere conspicatus est* 'and so inforsyd the seyde Joh' that he ran oute of the house and he aft^{r} and so he scapyd fro' the handys of Rycharde Ky'd^{r}dale and so be meenys of s'ten (*certain*) p'sons they wer bothe reco'sylyd (*reconciled*) eche to othyr, w^{t} condycyon that the seyde Joh' shulde natt so ordyr him ony more butt he would natt so leeve and therfor thus yt foloude: the cause I com'ytte to your most dysc^{r}te (*discreet*) jugeme't. the above namyd Joh' Werb^{r}ton send for Rycharde Ky'dd^{r}dale fro' hys owne house and desyryd that he wolde bry'ge a pott of ale w^{t} hym and at that tyme he was in bed and made answer he wold natt ev', and yet aft^{r} hys wyfe cawsyd hym to ryse, and to take a pott of ale w^{t} hym, and to goo to on laurence fre'chys (French's) bare legged, w^{t} a sleveles jaket upon hym, and there he was stekyd in w^{t} a dager, beyng thus nakyd w^{t}thout ony we'p'n, be Joh' Werb^{r}ton and as I have harde seyd on Roberd Werb^{r}ton cosyng to the seyde Joh' ded holde the seyde Rycharde whyl he kyld hym at that tyme was on Randolphe Veneblys crown' and housold s'v'nt to Syr Pet^{r} Warburto' Knyt and

be that meens as I harde s'me seye, yt was fo'nde that Jon' Werb^rto' kyllyd Rycharde Kydd^rdale hyselfe defendat, and sume seyd that he was quyt be the Kyngs p'don, but who so ev' yt ys Jho' Warb^rto' ys at lybertye' *etiamnumque uxorem Richardi sustentat* 'and whe' I cam forthe' *ea graviditas erat facta ab eo* 'as the com'ons seyd and thus he was a murderer' *et construpator cum ea etiamnum vivit* 'w^tout correccyon of the byshop or archedekon and yet p'adventure the faute ys in nowd' of the' butt in the' whyche shulde have detecte yt.

'On othyr murdyr was don up on a thre yerys past betwyxt Mast^r Massy of podyngto' and on Mast^r Howe, ther odyr namys I know natt these p'tyse (as I have harde say) ben agrede and a gret summe of money was reco'pensyd to Mast^r Massy who moche I can natt tell.

'It. about the 23 day of July the last past ther was a s'vant of Syr Joh' doannys kyllyd in the forrest of delam', butt who ded yt I have natt harde, nor more of sueche matt^rs I knowe nothynge.'

De Concubinatu.

'It. S^r Petr Werburto' Knyt havyng a ryght goode and a beautyfull gentylwoma' to hys wyfe' *uxorem alit* '(as the como' voyce ys) of on laurence frenche* of budworth' *ibique noctu diuque manet* 'more the' at hys owne place whyche ys w^tin twaine mylys and thus he hath usyd these thre or fouyr yerys and will natt othyrwyse be adv'tysyd be on fry'de nor othyr, and yet he hathe ben sore seyde to for yt of dyv'se.

'It. yt ys com'onely spoken that Mast^r Willi' Veneblys barne (*baron*) of Kynd^rton' *in stupro vivit cum uxore* 'of S^r Jamys Stanley Knyt' *etiamnumque notham filiam alit* 'of S^r George Holforthe' *quæ etiam unos duosve liberos ex eo peperit* 'what hyr name ys I knowe natt for these causys as I here sey the honest gentylwoma' hys wyf and he hathe ben and yet be at sueche veryance and stryf, that ther Ryches ys moche decayd w^tin a lyttyll tyme be thoccasyon of hys mysrule.'

De Stupro.

'There ys on Syr Will' Hardwar veky^r of Budworth'† *qui noctu diuque apud illum feminam (conjugi expers!) in stupro alit eaque multos liberos ex eo generavit intra septem annos.*

'It. ther ys on S^r Thomas flecher vekyr of ru'chorne‡ whyche hathe yn leke man' on Agnes Habra' *à qua decem vel duodecim liberos per sedecim annos generavit* 'these both

° The calendar of Arley charters records a lease granted by sir Piers in 1534 'with the consent of Ralph French of the Cok nigh Budworth, and Margaret French his mother.' The writer of the introduction to the calendar thus alludes to sir Piers's decease in 1550: 'Having thus composedly stripped himself of all his worldly goods, sir Peter on 5 June following, calmly fell asleep, and was succeeded by his son, John Warburton. An altar tomb in the Warburton chapel in Budworth church, with a mutilated marble effigy of a knight lying upon it:

'"*With clasped hands and closed eyes resigned*
To death's calm slumber!"

is supposed to have been set up in Sir Peter's honour.' (Introduction, xxiv.

† Instituted by the abbot and convent of Norton to Great Budworth, 1526; died (or succeeded) in the living 1550.

‡ Presented to Runcorn by the abbot and convent of Norton in 1525.

were channo's (*canons*) of Norton and they optaynyd thyr benyfycys by a bull fro' the bishop of Rome whyche they call a general capacyte.

'It. ther ys a gentylma' called Joh' Dutton' *filius nothus* 'to Mast^r laurence Dutto' that ded ys, by who' S^r Petur Dutto' opteynyd the land of Dutto' thys Tho' Dutto' ' *adolescentulam apud illum noctu diuque alit æque ac vere aliquis quispiam maritus* 'and hathe so done these sex or sevyn yers' *eamque non maritam facere vult eaque multos liberos ex eo generavit* 'and yet whe' he had a gret seknes a bowte a yere paste or more I send to hym on of my chan'os to cou'cell and advertyse hym to p'myse hyr marryage and whe' he myght recover hys sekenes to solem'yse the same sendyng hym forder worde that allthough he had longe lyfoid he mygth dey a goode crysteman to the welthe of hys child^rne the honesty of his woma' and co'fort of all hys loverse and very fryndys and then he p'mysed so to do but sythe that tyme he folowyd natt hys godly promyse butt lyfvyth stylle leke' *scortator* 'and as yt hathe ben showyd to me by div'se honeste p'sons he seyth he wyll liff and dey as hys fadyr ded and truly his fathyr had divers sons' *in infamia procreati* 'and no odyr wyse and by reson of that cam the londs of Dutto' to Sr Pet^r Dutto' for the fathyr of this Joh' of Dutto' ' *tam bestia erat* 'in hys lyffvyng in ev'y point of nougtynes as nev' was in an holle roome and so wyll the son be, yf he may be suffyrd for he joyyth in no'othyr thy'ge butt in hys gret reches and vysyus lyfv'yg and to contyneu the rathyr inpunyte he namyth hymself s'v'ate to my lord of Wylshyre.

'Theas as notable p'sons and slaunderouse lyvers I present unto your maistershipe w^ch are detecte in visitac'on w^tin tharchedeaconry of Chester and yet not reformed for I ne durst p'cede to reformac'on for fere of complayntes to the tyme I knewe yo^r further pleasure therin: for so moche as suche said p'sons have not ben accustomede to be reformed by inferior ordinaries as the busshope and the Archedeacon And nowe in the Kings gracious visitac'on frendes unto the wiffes as many worshipfull folks greved of suche p'sons trusteth to be releued by the King's gracious visitac'on as they say. Wherfor I pray yo^r good maistershipe to shewe yo^r further pleasu^r in this behalffe:

'1. ffurste Peter Lee esquyer a man of iiii hundrethe m'ks lands' *concubinam sustentavit per decem vel duodecim annos uxorem suumque dimisit.*

'2. Sir Robert Hesketh knight' *concubinam sustentavit suumque uxorem dimisit* 'daughter to Sir John towneley.

'3. Sir Thomas Halsall' *concubinam sustentavit per decem vel duodecim annos sed non uxorem dimittens.*

'4. Lee of the Bothes esquyer' *concubinam sustentavit suumque uxorem dimisit.*

'5. S^r Peter Warburton' *concubinam sustentavit.*

'6. Gerard of the Bryne' *concubinam sustentavit suumque uxorem dimisit.*

'7. Damport of Calveley thes xx^ti yeres' *concubinam sustentavit suumque uxorem dimisit.*

'8. Robert Bostocke theas xxiiii yeres' *concubinam sustentavit suumque uxorem dimisit.*

'Many other ther be also detecte in the said visitac'on w^ch be delyvered unto Mr Price yo^r registo^r not reformede.'

Sermon preached at the Funeral of Thomas Dutton, of Dutton, Esq., in 1614.

To the Honourable and Hopefull Young Gentleman, Sir Gilbert Gerrard, Knight of the Noble Order of the Bath; The Ladie Elenour his wife; together with her right Worshipfull Mother Mistris Thomasin Dutton, all increase of true happinesse.

Syr, being called upon to prepare this sermon for an impression: and finding a necessitie laid upon me, to satisfie the importunitie of some friends, it came into my minde to tender the same to you. And I doe more then hope that you will kindly accept it from me, and entertaine it as a testimonie of my love: because it was both preached in your hearing; and at the funerall of that worthy and Worshipfull gentleman Master Dutton your father in law. And I am the rather incouraged to commend it to your use, and to write your name (as it were) in the front of it; because albeit you lived not under my Ministerie, yet in as much as out of that part of your faire inheritance, which lyeth here, I receive some part of my maintenance and sustentation, I must needs thinke it my duty, to bestow some spirituall gift; by which I might evidence my care of your soules health, and something further you, in your passage towards that countrey which I trust you seek. Let it not displease you therefore, that I have presented you with these few notes; but vouchsafe them a roome of lodging among your bookes. I confesse in this scribbling age, many are carried with a busie humour, making the times surfeit with their needlesse papers. I would be loath that anie man who hath in him anie true worth and is of a right religious understanding, should so thinke of me: wherefore to cleere my selfe to every sober judgement, this I say; I was drawen into this course in presenting this sermon to publique view, by the earnest request of some friends, and by the good approvement of sundrie fearing God. The matter of this sermon is excellent, if the workemanship were suteable, I might boldly say, It were no disparagement to you to afford your patronage, and to have your name prefixed. Whatsoever my defect maie be, I beseech you be pleased to accept from me this small present: small, not in respect of the matter of it, for no man can treat of a more worthie subiect: But in regard of the manner of handling.

A

SERMON PREACHED AT THE FVNERALLS

OF THAT WORTHIE AND WOR-
SHIPFVLL GENTLEMAN, MASTER
Thomas Dutton of *Dutton*, Esquire, who
yeelded to nature the 28. of *December*.

By RICHARD EATON Bachelour of
Diuinitie, and Pastor of Great
Budworth in Cheshire.

Deut. 32.29.

Oh that they were wise, then they would understand this
They would consider their latter end.

LONDON,
Printed by *John Legat* for *Samuel Man* dwelling at
the signe of the Ball in *Paules* Church-yard.
1616.

Facsimile of the title-page of the sermon preached at the funeral of Thomas Dutton, esquire, the last of the Duttons of Dutton, in the year 1614. (From a copy in the library of the British Museum.)

Accept it I saie, as an vndissembled argument of the sinceritie of my affection, as a testimonie of my well wishing to your soule, and as a pledge of my setled purpose to labour to deserve your loue: And to be a continuall petitioner to the throne of grace, that you and your good Ladie, your Worshipfull mother in law, with the rest of your line and familie maie be kept by the power of God, through faith unto salvation. From Great Budworth in Cheshire.

Yours in all readinesse to do you my best service in Christ Jesus,

RICHARD EATON.

'Teach us so to number our daies, that we may applie our hearts to wisedome.'—PSAL. 90. 12.

This Psalme was compiled by Moses, at what time, the spies returning from the land of Canaan, discouraged their brethren; and the Lord for the murmuring of the people, pronounced, that all above twenty yeares old (Caleb and Josua only excepted) should die in the wildernes. Now whē Moses heard this general sentence of death denounced both against himselfe, and all those that came out of Egypt with him, he frameth this Psalme and praieth thus for himselfe and all the rest. But I may not insist in generalls: the foundation of my speech shall onely rest upon this 12 verse. The words are so plaine and manifest, that I may say of this Scripture, as Augustin speaketh, *Desiderat auditorem, magis quam expositorem,* It requires rather an attentive hearer, than a skilfull expositor. Tract 50, in Johannem.

I will draw the substance of mine intended speech unto two generall heads: the first a prayer of Moses, 'Teach us to number our daies.' The second a reason why he prayed thus, 'That wee may applie our hearts to wisedome.'

Out of these two generall heads, I will distinguish five severall conclusions.

1. First, Death is the haven of every man. Moses maketh this prayer in the plurall number.

2. Mans time is set, and his bounds appointed which he cannot passe: 'Teach us to number our daies'; there is a number of dayes.

3. Mans time is short: Moses mentioneth not yeeres, nor monethes, nor weekes, but dayes.

4. Although mans time be short, yet he remembreth it not; for we are apt to forget death.

5. If we could remember death, it would cause us to apply our hearts unto wisedome.

Thus you see how this Scripture naturally brancheth and devideth it selfe into these particulars, I will not offer any vilēce in the handling of this text, I will not set any of these points upon the Racke, I will not proffer to stretch mine arme higher then my stature may carry it; I will not trouble you with Idle curiosities, I will not returne therefore to the head of the race, where I first began.

The first conclusion to be examined, and the first doctrine to be extracted, is this, That death is the haven of every man. 'What man liveth,' saith David, 'and shall not see death?' The Apostle saith, 'It is appointed unto all men to dye once,' Heb. 9. 27. And if we looke into the catalogue of 1. Doct. Psal. 89. 48.

those long lived Fathers before the floud, though some of them lived 700, some 800, some 900 yeers and upward, yet at length this epitaph was written over every one of their heads, *Mortuus est*, 'He died.' Though every day of our life, were as long as the day of Josua, when the Sun stood stil in the midst of the heaven, yet the Sunne will set and go downe, and it will be night at last. Every man must acknowledge with Job, 'Corruption is my father, and the worme is my mother'; therefore Esay witnesseth that 'All flesh is grasse.' All these testimonies as a cloud of witnesses, confirme this doctrine. There are also two reasons to inforce the same.

Gen. 5.
Josh. 10. 13.
Job 17. 14.
Esay 40. 6.

1. Reason. First, all men are dust in their originall, the matter whereof we are made is the dust of the earth: And therefore to dust we must againe returne. And this reason is used, Gen. 3. 19.

Gen. 3. 19.

2. Reason. Secondly, all men have sinned, and are deprived of the glory of God. Man at the first was created to immortality; and if he had never sinned, he should never have died. But when sin entred, death followed as the wages doth the worke; as God threatned, Gen. 2. 17, and the Apostle, Rom. 5. 15. By one man sinne entred into the word (*sic*), and death by sinne: And so death went over all men, in whom all men have sinned.

Gen. 2. 17.
Rom. 5. 12.

There shall be no difference betweene the rich & the poore in the grave: there is a great difference in their lifetime, in respect of honours and houses, lāds and livings, duties and dignities, and such like externall priviledges and prerogatives: But in the end we see that wise men and likewise the ignorant and foolish perish. Zenacherib in his Ruffe for a time, made proud challenges, Where is the king of Hamah, where is the king of Arpad, where is the king of Hena? kings which he had destroyed: And have the Gods of the nations delivered their Clients and orators, out of my hands? But a man might soone have asked him, where is the king Ashur? And hath Nisroch the God of Assiria, delivered Zenacherib himselfe? Looke into the grave and shew me, where is Dives, & where is Lazarus? where is Alexander that conquered the whole world, and Xerxes that could not number his armie for multitude? Where is Ninri that built his rest in the clouds, and Antiochus that scaled upon the Mountaines? where is Edom that exalted himselfe like an eagle in the skies, and said in the swelling of his heart, Who shall bring me down? Where is Saper the king of Persia, that wrote himselfe *Rex regum, frater solis et lunæ, particeps siderum*, king of kings, brother to the sunne and moone, and partner with the starrs? where is Samsō that slew an armie with the jaw-bone of an asse? what is become of all those great Roman Lords, Nero, Caligula, Vespasian, Titus, Domitiam (*sic*), and the rest? Have they not all felt and bin foyled by the stroake of this all conquering death? who would have thought that Herod, who was honoured as a God, should have bin devoured of wormes? That Jezabel should have bin eatē of dogs? what would he thinke, that should have seene Solomon in his glory and Royaltie, to see him now lying in the clay? Yesterday the tallest Cedar in Libanus, today or tomorrow a broken stick trodden under foot; when death comes, no difference. The bones of Agamemnon that renowned Captaine among the Grecians, and of Thirsites that ill favoured and deformed souldier,

1. Use.
Psal. 49. 10.
Esay 37. 13.
Judg. 15. 15.
Acts 12. 23.
2 Kings 9. 35.

shalbe mingled together. The bones of Vashti the most beautifull queene, and the blackest Egiptian bond-woman shall not be found asunder; looke into the grave, and there I say is no difference, but *Putidum et putridum Cadaver*, a rotten and a stinking Carkas.

2. Use.

Men of excellent & eminent places must learne to live religiously & uprightly; for they must go the way of all the earth, and depart hence when it shall be said, *Priora transierunt*, Former things are passed away, and it will be said, Come give an account of thy stewardship. The thriving of the wicked in the bookes of Job & of the Psalmes, wanteth not a learned oratour to set it forth at large. But as in the burning of a candle, when it hath long given light, *Extremum occupat fumus et caligo*, The end is in smoake and in a stinking savour: so falleth it out with the candle of the wicked, *In puncto descendunt in infernum*: In the stirring of an eye they goe downe to hell, where if there be not *fumus* & *caligo*, smoke and darknesse, and the blackenesse of darkenesse, and a stinking savour, and much worse, there is no hell at all. 'Lift not up your horne on high, speake not with a stiffe necke, for in the hand of the Lord there is a cup, and the wine is red of the colour of bloud.' My brethren, let not the pompe of the world deceive you, whether it stand in authoritie, in opulencie, or voluptuousnesse of life: I say, let it not deceive you; for as all the fresh rivers runne into the salt sea, so shall all the honours of the world end in basenesse, all the pleasures of the world in bitternesse, all the treasures of the world in emptinesse, all the garments of the world in nakednesse, and all the dainties and delicates of the world in loathsomnesse and rottennesse. Take heede of too large an indulgence, least God give you a rent, that hath given you a garment; and cloath you with worser than leprosie, that hitherto hath covered you with glory, worship, and dignitie.

Luke 16. 2.
Job 21. 7.
Psal. 73. 3.
Psal. 75. 5.

3. Use.

Let us prepare for death, that we may have oyle in our lampes, when the bridegroome cometh. Let us prepare and provide for the day of our dissolution. Let us prepare for a *Nunc dimittis*. Oh be not like the foolish virgins that knocked at the gate, when it was shut, and too late. Oh be not like the unprepared guest, that came to the wedding without his wedding garment. Great Jupiter was carelesse of his death. *Visuntur magniparva sepulchra Jovis*. Great Jupiter had but a little tombe. And Alexander the Monarch of the world, prepared nothing at all for his death, he had all other things, saving onely a sepulcher, to burie him in when he was dead. But Abraham provided for his death, for he bought a field to burie his dead in. So did Joseph of Aramathea, for he made his tombe in his life time in his garden, to put him in remembrance of death. Oh imitate these latter: provide and prepare for your last end, and still looke up to death, as the wisemen looked unto the starre which stood over Bethlem, *Qui gloriatur viribus corporis, gloriatur viribus carceris*. He that glorieth in the strength of his bodie, glorieth in the strength of his prison. Plato spake wittily to one of his schollers, when he saw him too curious in pampering his belly and his body, Why doest thou, said he, make thy prison so strong?

Math. 25. 12.
Math. 22. 13.
Gen. 23. 17.
Math. 27. 60.

2. Doct.

I will proceede now to the second conclusion, to wit, that mans time is set, and his bounds appointed which he cannot passe. It was said to Belshazzar. *Mene, mene*, God hath numbred thy kingdome. So it may be said,

Dan. 5. 25.

Job 14. 5. *Mene, mene,* God hath numbred the daies of our life. To this Job beareth witnesse, Are not his daies determined? thou hast appointed his bounds, Jerem. 46. 21. which he cannot passe. And the Prophet Jeremie saith, The Egyptians could not stand, because the day of their destruction was come, and the time of their visitation.

1. Reason. A certaine time is appointed for all other things. The day of birth, the day of marriage, the day of honour, the day of deliverance, and the day Dan. 11. 36. of death must not bee excluded. God hath determined all things, saith the Prophet. God appointed a time when his Sonne should come into the Dan. 9. world, and he came at the same time. God appointed a time when his Gal. 4. 4. blessings should come upon Joseph: and when the appointed time was Psal. 105. 19. come, he was exalted. Therefore saith Christ, My time is not yet come. Joh. 7. 8.

2 Reason. Secondly, the providence of God hath two parts, to wit: Government and Knowledge. God is not a retchlesse, carelesse, and improvident God; Oh no: he is not a God by halves, and in part, not onely in the mountaines, not onely in great imployments, but also in the vallies, and in the least matters. Hee governeth all the world, as one that sits in a chaire at ease; his providence is seene in the Augustin in Psal. 148. least things, *In Pulice et in Culice,* as Saint Augustine saith, in Flies and in Gnats. He is *Curiosus et plenus negotii Deus,* A curious God, exquisite in all things, and full of businesse, saith Tullie, against the Atheists and *De natura Deorum.* Epicures of his time: he examineth the least moments and titles in the world that can be imagined: a handfull of meale, a Cruise of Oyle, in a poore widdowes house; the calving of Hindes, the feeding of young Lyons, and Ravens, the falling of Sparrowes to the ground: he numbreth the haires of our heads, he feedeth the Math. 6. 36. Fowles of the heaven, and cloatheth the flowres of the field: And if so, then sure this wise and provident God, who holds the whole Globe of the world in his hand, and ordereth all things therein, who keepeth a perfect Kalender of all times and seasons, hath also prefined the yeere, the moneth, the weeke; nay, the very day of our departure.

Object. But it may be objected, If this be true that a man must live so long and no longer, and if a mans time be set, then it is in vaine to keepe a good dyet, or to take Phisicke.

Answer. To which I answer, God hath not ordained the end without the meanes, but the meanes as well as the end: If God have appointed a man to die in 2 Sam. 18. 6. his youth, hee hath appointed a meanes to shorten his life, as he did Absolons. If God have appointed a man to live long, he hath also ap-Gen. 47. 12. pointed a meanes to preserve his life; as Joseph nourished and cherished his father when he was old. But a good mind will never quarrell about these things.

1. Use. It is not in the power of Physitians, though they use the best of their skill, to preserve their sicke patients any longer then the time that God hath set and determined: let the Physitian doe his dutie with an upright and faithfull heart, but let him not lie to his patients, making them beleeve he can preserve life and

health, and so drawing them into errour, as though death were farre off, when the sicknesse is incorporate into them; when peradventure the sicke man and his sicknesse are *Duo in corpore uno*, as it were two in one flesh. There is no remedy when the time appointed is come, our last garment, which is our skinne, must be pulled off, if God call us away, and say as he said to Abraham, *Exi de terra tua*, Come out of thy countrey wherein thou wast borne. If he call to our Spirits, Come out of your houses of Clay wherein you have long dwelt: there is no Balme in Gilead, there is no Physition there that can preserve us. All the Physitions that were about Asa King of Juda, could not recover him of the Gout in his feete. If a man should spend all his substance upon Phisitions, as the woman did that had a bloody issue twelve yeeres, yet when the appointed houre is come, the learnedst Phisition will faile & all meanes to prolong life shall be vaine. Mistake mee not, I denie not the lawfull use of lawfull meanes, I know well, a man is bound to further Gods providence in what hee may. But to place our confidence in the outward meanes, and to neglect the Lord to whom only the issues of life and death belong, is the common sinne of these faithlesse times. Trust not therefore in Physicke, trust not in thy strength, trust not in any kinde of dyet; for thy time is set, thy daies numbred and it is not in man's power to passe his bounds.

Gen. 12. 1.

2. Chron. 16. 12. Luke 8. 43.

Secondly, the consideration hereof offers us matter of much comfort, for that our life is in God's hand. The adversaries of the righteous increase daily, and many rise against them; many pits are digged, and much mischiefe imagined against the godly. But when all is done, unles they can get God's leave, they doe but weary themselves in vain: for the elect dwel in the secret and shadow of the Almightie, and are so safely shrouded under his wings, that without his permission nothing can touch them. Why then are men so fearefull, as that they dare not stirre one finger, without trembling? surely such men either know not or remember not, that God hath limited their daies, and that their life is in his keeping. When the Pharisies said to our Saviour, Depart and goe hence, for Herod will kill thee, he answered them: Go ye and tell that foxe, Behold I cast out divels, and will heale still, to day and to morrow, and the third day I shall be perfected. This the Apostles likewise acknowledged: Doubtlesse against thine holy Son Jesus, whom thou hadst annointed, both Herod and Pontius Pilate, with the Gentiles & people of Israel, gathered themselves together, to do whatsoever thy hand & counsell had determined before to be done. When Pilate the lieutenant of the Romanes, had said unto Christ, knowest thou not that I have power to crucifie thee, and have power to loose thee? Jesus answered, Thou couldst have no power at all against me, except it were given thee from above. The furie and malice of the wicked is stinted and restrained, as with a bit and bridle, they cannot satisfie their lusts, nor accomplish their designes. The rage of men, and of the divels themselves, is stopped, and all the power of darknesse curbed. The tyranny of the bloudy spirits is bound up, and compassed within the listes of the power of God, and inclosed within the circle of his jurisdiction. They cannot annoy such as are created after the Image of God, and redeemed with the blood of Christ, without the divine permission: their power is imprisoned, they can goe no further then the chaine,

2. Use. Psal. 3. 1.

Psal. 91. 3.

Luke 13. 22.

Acts 4. 27.

John 19. 10.

in the which the Lord doth hold them. Behold a great comfort in all our troubles and sufferings, there is a barre laid in the way of the wicked. Consider the strong hand of God, the yeeres and daies, the very moments and minuts of time are determined.

Joh. 8. 20. These things spake Jesus in the treasurie, as he taught in the Temple, and no man laid hands on him, for his hour was not yet come.

3. Doct. The third conclusion now followeth to be discussed: Man's time is short in this world. Moses speaketh of daies, not of yeeres, nor of months, nor of weeks, but useth the shortest division in nature. There are as many little skuls in Golgotha, as there bee great ones. Parents doe as often mourne for the death of their children, as children doe for the death of their Parents. Jacob, when

Gen. 47. 9. Pharaoh asked him how old he was, answered, that his daies had beene both few and evil. The Hebrewes were wont to reckon their life thus: first, they did deduct the time of their sleep, so that if our dayes bee threescore and ten, by this reckoning five and thirtie are stricken off at one blow, because we spend halfe our time in sleepe. Secondly, from the remainder they

Eccl. 11. 10. tooke away the time of youth, which Salomon saith is vanitie, as though it were not worthy to be called life but vanitie. Thirdly, they did subtract the daies of sorrow, because all that time a man findeth no sweetnesse in life, but is still

Job 3. 20. ready to propound Job's qu̧estion, Why is light given to him that is in miserie, and life to them that have heavie hearts? So then these three being deducted, to what a smal epitome is man's life brought? Moses may well speake of daies, and of numbring them too, for by this time Jacob's proposition will be found true, that the daies of our pilgrimage are but few. David it seemes was well acquainted with this manner of reckoning, when he tooke so short a mete wand to measure his life by: a cubit is too long, a span is enough, Behold thou hast made my

Psal. 39. 5. daies, as an hand breadth, and mine age is nothing in respect of thee. Psal. 39. 5.

There are foure reasons, why God hath appointed mans time to be so short. The Raven, the Eagle, the Elephant, the Lion, the Hart, fulfill their hundreds. But man dieth before his eye be satisfied with seeing, or before his eare be satisfied with hearing.

1. Reason. First, lest they should deferre to do good, as our manner is, upon hope of long life.

2. Reason. Secondly, to withdraw our hearts from the love of this world.

3. Reason. Thirdly, because so long as we live in this world, we are absent from

2. Cor. 5. the Lord.

4. Reason. Fourthly, because this world is full of miseries, Job: 14. 1. The pleasures of this world are but the painted face of Jezebel, even but an outside of pleasure. Indeed, the wicked seeme to live a pleasant life, none like them; but there is a worme that gripeth and gnaweth them inwardly, they have many times a trembling heart, and the King of feare doth almost kill them in their secret chambers; The pleasure of this world, is but like lightning, *simul oritur, & moritur*, it suddenly appeareth & suddenly againe vanisheth away. It is sweete, but withall short like hunting and hawking; much cost and care for a little sport.

Our conversation then must be in heaven, even while we live here on earth, and we must use this world as though we used it not. 1. Use.

There is but one way of comming into the world, *Unus introitus*, but a thousand waies of going out of the world, *Mille exitus*. Our life is full of holes, and wee are readie to take & let in water at a thousand breaches, *Ferro, peste, fame, vinclis, algore, calore, Mille modis miseros mors rapit una viros:* Our time slippeth away with great velocitie. It was a worthy answere of Artabanus, to Xerxes that mightie Emperour of Persia: when the Emperor had viewed his great armie, a thousand thousand drinking rivers dry as they went; hee fell a weeping, because it came into his mind, that within the space of an hundred yeeres, not one of that goodlie companie should be left alive: I would that were the worst, said Artabanus. It would grieve a man viewing at this present so great a congregation, of so many worthy and worshipfull persons, so many of our good friends and honest neighbours: to consider that within an hundred yeeres, peradventure forescore, or threescore and tenne (for the Psalmist saith, mans age is therabout) to consider, I say, that not one in this assembly shall be left alive; Psal. 90. 10. but another Preacher in this Pulpit, and other hearers in those pewes and seates, sitting and treading upon your dead bodies, where you now sit and tread upon others; but I would that were the worst.

Secondly, because our time is short, we must worke and walke while wee have the light; the night commeth wherein no man can worke: we have a great taske and a short time allowed, we had need to listen to the clocke and to count the houres; your life is short, and the art of salvation is long in learning; The way to heaven cannot be trodden in a short time. Astronomers say, that the space betweene heaven and earth, is nine hundred thousand miles, some speake of much more. The ascent then will aske both time and labour, ease and delay never brought any thither. Our Saviour when he found his Disciples sleeping, said unto them, What, could ye not watch one houre? So may I say, Can you not be contented to feare God, to heare his word, and to pray unto him for a few dayes? It may bee thou hast yet twentie yeeres longer to live in this world, and wilt thou not bee contented to serve God as a Christian for twenty yeeres, that thou maist live as an Angell for a thousand? It may bee thou hast but ten yeeres to continue in this world, and wilt thou not addict thy selfe to the honourable service of God for ten yeeres, that thou mayst live and raigne for ever with Christ in his presence? Thou wouldst for a worldly preferment serve tenne yeeres, and canst thou so far undervalue eternall glorie, as to thinke that anything on earth deserves more cost and paines, in the seeking and obtaining, then the joyes of heaven do? 2. Use. John 9. 4. Math. 26. 40

But it may be thou art an old man, & hast one foote in the grave already; then I say as Bias one of the seaven wise men of Greece said of a mariner, *Nec inter vivos nec inter mortuos*, Thou art not to be reckoned among them that live, nor among them that be dead; And as Paul speaketh of a widdow living in pleasure, that she is dead while she liveth. When wil ye begin to abound and to be rich in good workes? Is it not time to begin to be religious, when the pillars of your house begin to shake, when your windowes begin to bee darke? doe you meane to goe away in a sleepe, and shall your life passe away like a dreame? Came ye naked of good- 1. Tim. 5. 6.

nesse from your mothers wombe, and will ye goe backe againe naked? brought ye nothing into the world with you, of the best and blessedst riches, and will you cary nothing out? A great many of you here present, are brought to the eleventh houre of the day, and there is but a twelfth, a few minutes between you and judgement? what, do you tarry to be started with the shrillest Trumpet that ever blew, or to be awakened with the fearefullest voice, that ever sounded? The night is comming wherein no man can work. Then there will be everlasting throbbings, and throwes of the heart, for endlesse mercies: then the eies will labour for teares which shall ever runne downe, and then the teeth will grinde one another without ceasing. Oh, saith our Saviour, that you had knowne in this your day! and thus much for the shortnesse of mans life.

Luke 19. 42.

4. Doct. The fourth doctrine that is remarkable, is this, that man is more apt to forget death then any thing else.

Moses was willing to remember death, but still his mind did turne from it, and it did slip out of his mind. Solomon bids us remember that we must come to judgment, and yet the wicked pleade against it, saith S. Peter. It is a strange kind of Arithmeticke, that no man can learne it, except God be the schoolemaster and teach it. Men can number their Coine, their Cattell, their corne, and their land; But no man without the assistance of Gods spirit, can number his dayes; as though our daies were infinite. This prayer of Moses may seeme strange. Men are able by art to measure the Globe of the earth, and the Spheares of heaven, the quantitie of the Starres, with their longitudes, latitudes, altitudes, motions, and distances from the earth, *Flectere per varios docuit qui nomina Casus Heu cadit, hunc casum flectere non potuit,* The Grammarian that declineth all nounes and every case, cannot decline death in any case. It is a hard matter to remember Death, and we strive to forget it. Teach us to number our dayes; Oh no! hold your peace, wee may not remember, Amos 6. 10. Teach us to number our dayes; nay, teach us to multiply our dayes. Teach us to remember Death; nay teach us to forget death, to prolong life, is the common language of our times: Men cannot abide to thinke of death, they are sicke to heare the name of it; they say to death, as Pharaoh said to Moses, Get thee out of my sight.

Luke 19. 42. Amos 6. 10. Exod. 10. 23.

There are two reasons why we ought to remember death, and there are foure reasons why we do forget it.

1. Reason. The first reason why we should remember it, is, because when death comes, the greatest matter that did ever concerne us, will then be in question, to wit; the everlasting Salvation, or else the everlasting condemnation of our soules.

Secondly, then it will bee too late to repent, to amend, to pray, and to obtaine pardon. The rich man cryed, Oh Father Abraham, send Lazarus to dip the tip of his finger in water to coole my tongue: *Desideravit guttam* (said Saint Austin) *qui non dedit micam,* He desired a droppe of water, that would not give a crum of bread, but it was too late; Hee should have beene pitifull, repented, and prayed in his life time before his death: For in death there is no remembrance of thee, (saith David) and in the grave who shall praise thee?

Luke 16. 42. Psal. 6. 5.

The first reason why many doe forget Death, is, because Death commeth oftentimes like a jaylour to hale to prison. 1. Reason.

Secondlie, the remembrance of death maketh a man sinne fearefully, and taketh away the pleasure of sinne. 2. Reason.

Thirdly, Death is against nature, a dissolution of nature; and therefore no man naturally can delight in it. 3. Reason.

Lastly, the divell gaines much by forgetfulnesse in this kinde, and therefore will be sure, if by any meanes he can, to put that conceit out of mens heads. 4. Reason.

They are hence to be reproved, that will not suffer this meditation to settle in their hearts. Behold you despisers, and wonder at the hand of God, you that are in league with death, & make a covenant and truce with the grave, you that say to your soules, Take your ease, and live at rest for many yeares, your life hangeth by a small thread. Put not the evill day farre from you, which the ordinance of God hath put so neare; walke not alwaies with your faces towards the East, sometimes have an eye to the West, where the Sunne goeth downe: sit not alwaies in the prow of the shippe, sometimes go to the sterne: stand in your watch towers, as the creature doth in the 8. to the Romanes, and waite for the time of your deliverance; your bodies are not brasse, your strength, is not the strength of stones. The earth is the wombe that hath bred you, and the earth is the wombe that will againe receive you. Seareclothes, spices, Balme, the Immuring stone or lead, or a timber coffin, cannot so closely hide you, but the earth will challenge you for her naturall children, and say, You are my bowels: the earth (I say) your naturall mother, will know you againe and receive you into her possession. Remember your mortalitie you that are φιλήδονοι μαλλον ἤ φιλόθεοι, lovers of pleasure more then lovers of God; when Adam and Eve became subject to death, because of their sin, God cloathed them with the skins of dead beasts.

Luke 12. 19. Amos 6. 3. Rom. 8. 19. 2. Tim. 3. 4. Gen. 3. 21.

So that the cloathes we weare upon our backes, and the graves under our feete, and the meate which goeth into our bodies, crie unto us that we must die; like the fishes, fowles, and beasts, which a little before were living in their elements, and are now dead in our dishes.

Let us pray as Moses did, That God will give us grace to meditate upon our last end. Though we forget other things, though we forget our owne names, and to eate our bread, yet our memorie doth sufficiently stand us instead, if we can remember our last end. Sathan perswaded our first parents, that they shold not die at all. Now though he cannot make us beleeve that, yet he perswades many, that they shall not die yet, yea though they be at the brinke of the grave, and but a steppe between them and death. Many there be that are condemned in hell, and there doe suffer the vengeance of eternall fire, who would give the whole world if it were in their power, for one day or houre in this worlde, that they might repent and turne unto God. What they wold do if they might, let us do while we may; their glasse is already runne, and ours stands not still: yet a little while, and the time of hope, grace, and mercy will be past. Let us not then be so much our owne enemies, as to forget what belongs to our peace. Wee doe not reade

2. Use. Gen. 3. 4.

that Moses, who made this prayer, did oppose himselfe by the least thought of his heart, to the ordinance of God, when it was told him, 'Behold the daies are come that thou must die': though he might have lived longer; for his eies were not yet dimme, nor his naturall strength abated. But rather he spake to the people with alacritie of spirit and chearefulnesse of heart, imbracing the tidings of death. He was not pulled like a beast by violence from his den. But on the other side, if a man will not pray, as Moses did: Death will be a death indeede, and little profit or ease to be found in it. Oh pray that the flight and departure of your spirits, be not upon the Sabbath day, that is, in the rest and tranquilitie of your sinnes; pray to God that your departure be not in the frost and winter of your hearts: Oh pray to God that your departure be not in the midnight of your securitie. Woe worth the man, whome the Lord when he commeth shall finde sleeping. The untimely fruite is better then that man, it had beene much better for him, never to have been borne.

Deut. 34. 7.

5. Doct. I am now come to the last part of my text, and the doctrine thereof is this: That the remembrance of death, will cause us to apply our hearts unto wisedome. There are many benefits which come by death, and there bee many benefits that come by the remembrance of death; Moses considered the shortnesse of his life: and therefore was carefull to spend his time well. He chose rather to suffer affliction with the children of God, then to enjoy the pleasures of sinne for a season. The Prophet Jeremie imputeth all the calamities and sins of Jerusalem, to this, that shee remembred not her last end.

Heb. 11. 25.
Lam. 1. 9.

1. Reason. There is no greater enemie to repentance, then to thinke we have a long time to repent hereafter: men doe not use to thinke upon death, when they go about evill things; but they say as the serpent said, We shall not die. It is hard for a man to thinke upon short life, and to thinke well.

Though death come after life, yet it guideth the whole life, as the sterne doth the ship; but for death there would be no rule, but every mans lust would be his law. As the bird guideth her flight by her taile, so the life of a man is directed by a continuall recourse unto the end.

2. Reason.

Though death the king of feare, differ his sessions, and stay his execution, yet the remembrance that death will come, maketh the proudest peacocke lay down his feathers; and is like a dampe that puts out all the light of pleasure. Hereupon Salomon, Eccl. 11. 9. opposeth this memorandum against all vanities as a counterpoise, Remember for al these things thou shalt come to judgement.

3. Reason.
Eccl. 11. 9.

4. Reason. The remembrance of death seems to humble us, under the mightie hand of God. Abraham is an example hereof, I am but dust and ashes.

Gen. 18. 27.

We know not when our great Landlord will come and reckon with us. *Quo hora & mora incertior est, eo magis vigilandum,* By how much more the houre of our departure is unknowne, we must be so much the more watchfull and vigilant. *Ideo latet ultimus dies, ut observetur omnis dies.* Other farmers know certainly the terme of their lease. But wee are all Gods tenants at will, he may put us out of house and home, when hee list. Some landlords set leases for three lives. But God never demiseth any tenement, longer then for one life: we cannot be secured an howre. The remembrance of death therefore, is like a strainer: all our thoughts,

Use.

words and actions which come through it, are clensed and purified, like a cloath that cometh out of the water. The thought of death causeth many sinnes to avoide, as Sathan avoided, when Christ alledged Scripture. Surely if a man did perswade himself, that this were the last day that ever he should live, hee would not deferre his repentance till tomorrow. If he did thinke that this were the last meate that ever hee should eate, he would not surfeit; if he did beleeve, that these are the last wordes that ever he shall speake, hee would not offend with his tongue; if he were perswaded, that this were the last Sermon that ever he should heare, he would attend better than ever he did to any. Remember your last end. Alas what are our Churches and Churchyards, but *Humanarum claudium miseranda concepta*, the lamentable pinfolds of the death of men? Beware that you offer not to God the dregs of your life, lest God make you drinke the dregs of his anger. Remember that death ere it be long will set her foote upon your heads, and your lippes must kisse the dust of the ground: remember that the gravell & slime of the grave, shall dwell betweene your hawtie eyelids. I have not leasure to say any more. *Quid superbis terra & cinis.* Oh earth and ashes, why art thou so proud? And thus much out of my text. Math. 4. 11.

And now right worshipfull and beloved, I know you looke that I should speake something of this gentleman, whose shadow is here presented unto our view. I confesse, the licenciousness of many preachers in cōmending the dead contrary to desert, is worthily to be censured, as that which grieves the godly: hardeneth the wicked, and makes the ministery of the Gospell to be evill spoken of. And yet I have ever thought it not onely lawfull but necessarie, to speake somewhat līberally, so it might bee done warrantably, of magistrates and publike persons, deserving well of the Church and Common-wealth: my judgement and practise in the present occasion shall accompanie each other, while by your patience I speake a few words of his life and death. *Sed vereor ne tanti viri laudes oratione mea elevarem magis quam exornarem.* I feare lest while I strive to set forth this gentleman in his owne worth, I rather lessen and diminish his praise, then any way adorne it. But as I intend not to deny or withhold from him any part of his due, so if all your expectations be not fully satisfied, let me alleadge Bernards words for my excuse, *Culpetur sane ingenium non voluntas:* The fault is not willingly committed; blame then my unskilfulnesse. But I will hold you no longer in suspence. And therefore first of all I say as David said upon the death of Abner, *Hodie cecidit princeps in Israele.* This day there is fallen a great man in Israel. I will not speake much of his birth and progenitours, though it be worthy respect to descend from the loines of those that are worthie and worshipful. But alas, *Stemmata quid faciunt?* Ancient and noble pedigrees what are they worth, when the line of well doing continueth not? Honour falling upon an unworthy man, is but as an ornament in the dirt, saith Salvian: It doth but bring the person of such a one, with his faults and infirmities to a more open view, which otherwise perhaps had beene either unknowne or unregarded. I will say little of his naturall parts, of wit, memorie, volubility of speech, all which were excellent in him, and commendable in any, especially when, as Bernard saith, *Gratia ordinat, quod donavit creatio.* Grace doth order and sanctifie that which creation hath given & bestowed. But I will come Chrys. lib. de sacerdo. Bern., ser. in Cant. 34. 2. Sam. 3. 38. Ber. tract. de gra

to the best, wherein he deserved to be commended. It is well knowne he was a good magistrate in his country. The charge is waighty and the burden heavy which is laid upon them, whom the Lord hath marked out unto places of government: which made Chrysost. say *Miror si quis Rectorum, salvari possit:* I marvell (said he) how any magistrate can bee saved. Hee was full of courage in the execution of justice. *Impunitatis spes magna peccandi ille cebra,* Hope to escape unpunished is a great provocation of transgressing, It is not the Roabe, nor the sword, nor the highest roome that maketh a magistrate. He cōsidered whose Image he did beare, whose person he did present, what cause he had taken in hand, and whose Judgement he did execute. It is certain, the vine of the Church doth spread out her branches with much cheerfulnesse when magistrates doe execute Justice, without any connivence. Oh put not honie into the sacrifice, instead of salt; you that are rulers and governours in this our Israel, execution of justice upon riotous and inordinate livers, is for the present a sweet smelling sacrifice unto God, the joy of angels, the comfort of good men, the saving of soules, & a revocation of many from destructiō: nor shall your labour be in vaine in the Lord; in respect of yourselves, it will procure you even in this life, many sweete blessings from above. And hereafter it shal be a crowne upon your heads, in that day when the just God shall largely recompence your faithfull service.

Secondly, he was to be commended, for his Hospitalitie. It is well knowne, his house was seldom without strangers. I may in some sort compare him to Abraham and unto Lot; they sate in their gates & at the doores of their tents, to invite strangers. And this gentleman desired his friends & neighbours to come to his house, and they were unto him welcome guests. In this respect he was like unto Job, he did not eat his morsels alone.

Gen. 18. 1.
Gen. 19. 1.
Job 31. 17.

Thirdly, his love and kindnesse to his poore friends and neighbours, may not be forgotten: he was ready to speak for them, to write for them, and to lend them money in their neede. It was his resolution to keepe some money by him alwaies, if God should so blesse him and inable him, that he might lend (as he said) five pounds, tenne pounds, or twenty pounds, to any neighbour or gentleman upon an urgent occasion; which sure was in him a charitable consideration, and to you right worshipful, may be a pattern for imitation. Want driveth many into dangerous extremities; poore men are often forced by necessity to gage their houses, their lands, and vineyards: and they may justly complaine, as those did in Nehemiah, 'And now our flesh is as the flesh of our brethren, and our sonnes as their sonnes; there is no power in our handes, for other men have our lands.' It is charity and mercifulnesse to lend to such. Oh that they which be wealthy & rich, would lay aside superfluities and vanities, and learne frugality and thriftiness, as this Gentleman did, and convert their hands and their harts to such workes of mercy! Oh, take something from your bellies and backes, both in regard of your owne soules, to witnesse humility and sobriety before God and man: and for your poore brethrens sake, that they may bee comforted and releeved. It is Christ that hungreth, and Christ that must satisfie you: It is Christ that craveth, and Christ that must give unto you. It is Christ that is indebted and impoverished, and it is Christ that must advance you to glory. There are many poore men that are ashamed to crave an almes, and yet they would be glad with the disciples of Christ to rub an eare

Nehe. 5. 5.

of corne betweene their hands: their bowels sound like shalmes for want of foode, and their teeth are cleane. It is charity & mercifulnesse to lend to such. And certainly the lower this well of charitie is drawne the clearer & sweeter, will the water flow up unto you.

Fourthly, he was worthy of much praise & commendation for the civil order and government of his family; he was excellent that way. I know not wel how to parallel him with any of his ranke and place: his servants were obsequious & officious unto him, both for his credit and his profite; he abhorred idlenesse in his servants. Appelles posie was this, Let no day passe without a line: he appointed them such offices and imploiments that every one in his house, had either a sweating brow, or a working braine. Alexander Severus, that worthy and learned Emperour, was wont to say that he would not feede his servants with the bowels of the Commonwealth. And as he required diligence in their places, so he was liberall & beneficial for their preferments; which he frankly expressed in his life time towards them: and at his death he gave them annuities and pensions, & bestowed upon them bountiful legacies: herein also he was like unto Job. 'If I should despise my servants, what shall I doe when God standeth up? and when he shall visite mee, what shall I answer?' Job 31. 14.

But you will say, all this is well; these things are commendable, but you say nothing of his religion. I cōfesse this is the temple that sanctifieth the gold, this the altar which sanctifieth the sacrifice: all the former though excellent in themselves, and glorious in the sight of men; yet without this, they are but *splendida peccata*. Whatsoever they seeme to be, yet derided frō saving grace, they are but glittering sinnes, as Saint Augustin calls them.

It happened a little before he fell sicke, that he considered of the merçies and blessings of God, vouchsafed unto him in great abundance; and rendred praise and thanksgiving to God, for such favours and benignities. But he complained in my hearing, that with that plentie and fulnesse, there was a great want and defect of the publike worship of God upon the Sabbath day. His determination was this; that with all speed he would have a Preacher in his house, because his corpulent and unweildie body would not permit him to travaile unto the Church. Hee resolved therefore to allow a sufficient maintenance, and desired me with great earnestnesse to effect the businesse, and made this his purpose knowen to all his family and to many others. His heart was smitten with an awful reverence of God's Majestie, for the sanctifying of the Lords Sabbaths, and for the sincere preaching of the Gospell of Christ Jesus. It is my comfort to see such a happy and friendly aspect of so many principall Planets together in one place, so many Gentlemen and Magistrates. Give me leave (I beseech you) to wash my hands in innocency to free mine owne soule in the sight of God, and to speake a few words, to stirre up your minds, and to quicken your affections, in the behalfe of the Lords worship and service. Think not your dwellings safe enough without the house of God: sing not at home with your owne Muses, absent not yourselves from the Lords sanctuary, as though Jordan lay between you and the Church; say not as the women did in Esay; 'We will eate our owne bread, and weare our owne garments.' The Sabbath day is the sanctified day of the Lords rest. If you have any love to that hidden manna, which perisheth not; If you have any desire to those fruits of the tree

of life, in the midst of the Paradise of God: If you have any sincere affection to those white garments washt in the blood of Christ: If you desire to shine hereafter as the stars in the firmament, rather then to be but as Glow-worme in this world; then helpe to bring the Lords Sabbaths to rest, they are shamefullie troubled & disquieted: the common daies of the weeke are happier in their seasons then the Lord's Sabbaths. The sanctifying of the Sabbath is one of those unchangeable lawes, which God himselfe wrote with his owne finger. Resolve therefore as this Gentleman did to keepe it holy. God did not ordaine it for carnall pleasures, or that we should give liberty on that day to our sensuall affections. But if you will not regard and obey this, then behold the dispersion and dissipation of your posterity upon the face of the earth; behold the ruine, vastation, and desolation of your houses; behold the detestation of your names, behold the hissing & clapping at your death and departure, among your neighbours. The want of the word of God, is the want of your credit and prosperity: the want of God, is the want of your true comfort, peace and happinesse: the want of the word of God, will be the want of your salvation; if in this open and free time of the Gospel, you deprive yourselves through wilfull neglect of that benefit which others receive by it. Thus you have heard of this Gentleman life, I must now speak a word or two of the maner of his death. When the shadow of death was upon his eies, his senses began to faint and faile, yet this was observeable, that in the time of prayer, his senses were quickned and againe revived; so that he was able to lift up his hands and his eies at every Petition, and to say 'Amen' to every conclusion. This was also worthy regard, that the last words he spake were these; 'O Lord Jesus have mercy upon me, & forgive my sins, O Lord Jesus receive my spirit.' And presently after, his breath and his spirit departed. So that I may say of him as Jerome reported of Nepotians quiet and peaceable departure from this life; *Non intelligeres illum emori, sed emigrare*, Thou wouldst not thinke he died, but rather that hee walked forth: And this was the manner of his death. I must not be tedious, in regard of the present businesse, Time at this time must have power over my words: I will therfore conclude, and make an end as I did begin, 'O Lord teach us to number our daies, that wee may apply our hearts unto wisedome.' Amen.

List of Dutton references in the records at the heralds' college, exclusive of those of which the documents are given in this work.

Pedigrees and Arms.

Pedigree of Dutton of Hatton, five generations to 1613. Signed by 'John Kerfoote for my Mr. Edwarde Dutton.' (C., 6, 18.)

Pedigree of Dutton, two generations to 31 Edward III. (1357), as connected with the family of Rutter. (C., 6, 54.)

Pedigree of the lord of Dutton. Early pedigree of eight generations as connected with Bostocke family. (D., 3, 16.)

Pedigree of the lord of Dutton and Hatton. Early pedigree of five generations. (D., 3, 59.)

Pedigree of Dutton of Dutton and Hatton. Twelve generations commencing with Odard, cousin to William the Conqueror. (F., 7, 70*b*.)

Pedigree of Dutton lords of Dutton, afterwards le Despencer. (Black book, 724.)

Pedigree of Dutton of Hatton. Four generations to 1678. Arms and crest coloured. ('Benefactors,' i. 20, 21.)

Pedigree of Dutton of Hatton and Sherborne. Nine generations to *circa* 1700, also odd notes. (Le Neve's 'Baronets,' iii. 323.)

Pedigree of Dutton. Six generations as connected with Bostocke family. (D., 3, 97).

Pedigree of James Dutton, Lord Sherborne, Baron of Sherborne. Two generations with arms, crest, and supporters. ('Peers,' v. 63.)

Pedigree of Dutton, formerly Naper. Two generations to 1800 as connected with Digby. ('Peers,' vi. 168.)

Pedigree of James Dutton, Lord Sherborne, Baron of Sherborne. A blank page. ('Peers,' rough, ii. 34.)

Pedigree of Dutton. Seven generations to 1500 as connected with Lowndes, Egerton, and Zouche. Arms in colour. (Arundel, 104.)

Pedigree of Dutton. Six generations to 1500 as connected with Holland, Aldersey, etc. (Arundel, 129.)

Pedigree of Dutton. Three generations to 1667 as connected with Scudamore. (Norfolk, ix. 96.)

Arms of Dutton and impalement about 1598. (I., 16, 411.)

Pedigree of Dutton. Three generations to 1611, with arms. (I., 16, 424.)

Arms of Dutton. (D., 5, 6; D., 9, 73.)

Arms of Dutton as borne by Warburton. (C., 6, 48*b*.)

Change of name of Naper, 1777. (Changes of name by Act of Parliament.)

Arms of Dutton as quartering for viscount Savage, *temp.* Charles II. ('Arms and Quarterings of Nobility,' 86; and Walker's 'Nobility,' 563.)

Funeral certificate of Edward Dutton of Hatton, 1620. Arms and quarterings with account of the family (M., xi. 4); 'Reference to Benefactors,' i. 20 (No. 25; and I., 22, 41).

Royal licence for James Dutton of Sherborne, esquire; Naper to Dutton, 1784. (I., 33, 54.)

Grant of arms to James Dutton of Sherborne, esquire, now Lord Sherborne, 1784. (Grants, 15, 283.)

Grant of supporters to the above, 1784. (Grants, 15, 313.)

Earl Marshal's warrant for supporters to the duke of Hamilton as Lord Dutton, 1809. (Grants, 25, 321.)

Grant of arms to Frederick Hansbrow Dutton, esquire, Middlesex and South Australia, in 1858. (Grants, 52, 367.)

Alliances as recorded in other Pedigrees.

Marriage of ——, daughter of William Dutton, and Henry Chambers before 1623. (C., 20, 561*b*.)

Marriage of William Dutton and Anne Heigham, before 1634. (C., 21, 7.)

Marriage of Isabella, daughter of John Dutton of Dutton, and sir Christopher Southworth, *circa* 1510. (C., *22*, 309*b*.)

Marriage of Mildred Dutton and Leonard Ithell, before 1634. (C., *23*, pt. *3*, *23*.)

Marriage of Anne Dutton and Joesse de Quester, before 1633. (C., *24*, 168*b*.)

Marriage of Prudence, daughter of Thomas Dutton, and Benjamin Kershaw, before 1634. (C., *27*, 18*b*.)

Marriage of Anne Dutton of Dutton and John Hervey, before 1634. (C. *29*, 125.)

Marriage of Grace, daughter of Fulk Dutton of Chester, and William Davenport, before 1664. (C., *35*, 90.)

Marriage of George Dutton of Hatton and Mary Harris, before 1664. (C., *35*, *94*.)

Marriage of John Dutton of Hatton and Margaret Atherton, *circa* 10 Henry V. (C., *37*, 67.)

Marriage of Eleanor Dutton and Henry Stanley, *circa* 1664. (C., *37*, 103*b*.)

Marriage of Ann, daughter of sir Thomas Dutton, and Thomas Molineux, before 22 Edward IV. (C., *37*, 128, 129.)

Marriage of Katherine, daughter of sir Piers Dutton, with Richard Grosvenor. (D., *3*, 81 ; H., 19, 126.)

Marriage of Eleanor, daughter of sir Piers Dutton, with Griffith Hamner, *circa* 1440. (D., *26*, 1.)

Marriage of Agnes, daughter of Edmund Dutton, and Hugh Venables, *circa* 20 Henry VI. (C., *6*, *55*.)

Marriage of Ralph Dutton of Hatton and Amy Towneshend, before 1584. (G., 15, 11.)

Marriage of Katherine Dutton and Walter Alphe, before 1575. (G., 16, 69.)

Marriage of Dutton and Hulton, before 1563. (H., 19, 73.)

Marriage of sir Hugh de Dutton and Jenetta Holland, *temp.* Edward III. (2nd L., *2*, 314.)

Marriage of Margaret, daughter of Fulk Dutton, and John Lawton, before 1613. (C., 6, 65.)

Marriage of Peter Dutton of Hatton and Elizabeth Grosvenor, *circa* 1500. (C., 7, 112*b*.)

Marriage of Elizabeth, daughter of Piers Dutton of Hatton, and Richard Grosvenor, before 1617. (C., 7, 112*b*.)

Marriage of Isabella, daughter of Laurence Dutton of Dutton, and John Beaumont, about 1560. (C., 8, 67.)

Marriage of Alice Dutton and William Kempton, *circa* 1619. (C., 11, 48.)

Marriage of Richard Dutton of Whitby and Katherine Cholmley, *circa* 1584. (C., 13, 146*b*.)

Marriage of Richard Dutton of Stansted and Frances Freer, before 1614. (C., 15, pt. 3, 114.)

Marriage of —— Dutton and William Typping, *circa* 1500. (C., 18, 29.)

Marriage of Elizabeth, daughter of Rowland Dutton of Hatton, and Francis Berkeley, before 1623. (C., 20, 259.)

Marriage of Jane, daughter of Rowland Dutton of Hatton, and Thomas Ireland, 1623. (C., 20, 292; and C., 35, 94*b*.)

Marriage of lord Gerard and Mary, daughter of the earl of Westmoreland, 1640, (Funeral certificates in Record Office, pp. 19, 75.)

Marriage of Isabella, daughter of Laurence Dutton of Dutton, and John Beaumont, before 1620. (C., 1, 269.)

Marriage of Margaret, daughter of sir Thomas Dutton, and Richard Aston, about 1430. (C., 2, 290.)

Marriage of Thomas Dutton and Anne, daughter of Garaway and widow of Browne, before 1623. (C., 2, 330*b*.)

Marriage of Elizabeth, daughter of John Dutton of the Hey, and Richard Gerard, before 1615. (C., 6, 10*b*.)

Marriage of Katherine, daughter of Fulk Dutton, and John Brereton, *temp.* Elizabeth. (C., 6, 14.)

Marriage of Elizabeth, daughter of Piers Dutton of Hatton, and sir George Calveley, *circa* 1500. (C., 6, 20.)

Marriage of John Dutton of Dutton and Eleanor Calveley, *circa* 1580. (C., 6, 20.)

Marriage of Edward Dutton of Hatton and Mary Calveley, about 1613. (C., 6, 20.)

Marriage of Elizabeth, daughter of sir Piers Dutton of Hatton, and Thomas Browne, before 1613. (C., 6, 22*b*.)

Marriage of Maud, base daughter of sir Piers Dutton, and James Cotgrave, *circa* 1520. (C., 6, 40.)

Marriage of Elizabeth, daughter of John Dutton of Dutton, and John Mereburye, about 37 Henry VIII. (C., 6, 47*b*.)

Marriage of Alice, daughter of Fulk Dutton, and Thomas Daniell, *circa* 4 and 5 Mary. (C., 6, 43*b*.)

Marriage of Mary, daughter of Rowland Dutton of Hatton, and Peter Mynshull, *circa* 1613. (C., 6, 51*b*.)

Marriage of Anne, daughter of Edward Dutton, and William Allen, before 1664. (C., 38, 80*b*.)

Marriage of Eleanor, daughter of Peter Dutton of Hatton, and sir Randolph Brereton, about 1540. (C., 38, 90*b*.)

Marriages of Margaret, daughter of Geoffrey de Dutton of Aston (1) to Robert de Denby; (2) to Nicholas de Leicester, before 1299. (C., 38, 92*b*.)

Marriage of Jane, daughter of Edward Dutton of Hatton, and Arthur Davenport, before 1638. (C., 38, 93*b*.)

Marriage of John Dutton and Margaret Molineux. (C., 37, 128.)

Marriage of Eleanor, daughter of Edward Dutton of Hatton, and Richard Brassie, before 1663. (C., 38, 7*b*.)

Marriage of Mary, daughter of Rowland Dutton of Hatton, and Peter Minshull, before 1640. (C., 38, 16*b*.)

Marriage of Alice, daughter of Peter Dutton of Hatton, and John Catherall, before 1663. (C., 38, 18*b*.)

Marriage of Elizabeth, daughter of Fulk Dutton, and John Leigh, before 1663. (C., 38, 32.)

Marriage of Thomas Dutton of Dutton and Thomasin Forde, before 1663. (C., 38, 47*b*).

Marriage of Elizabeth, daughter of John Dutton, and John Boothe, Henry VIII. (C., 38, 56.)

Marriage of Eleanor, daughter of sir Thomas Dutton, and Richard de Cholmley, Henry VIII. (C., 38, 57.)

Marriage of Margaret, daughter of Edward Dutton of Crewe, and William Tannet, before 1663. (C., 38, 63.)

Marriage of Alice, daughter of Edward Dutton, and George Hinley, before 1664. (C., 38, 65.)

Marriage of Alice, daughter of John Dutton of Hellesby, and George Leche, about 1570. (C., 38, 66*b*.)

Marriage of Martha, daughter of Peter Dutton of Hatton, and George Byrd, before 1664. (C., 38, 79*b*.)

Abstracts of Dutton records in the Manuscript department of the British Museum.

Bostock's Collections for Cheshire entitled 'An excellent booke concerning most of the lands, descents coat armours and other passages both legall and historicall of the Countie of Chester' (Harl. MS., 139). Fol. 2, A pedigree of James Marbury of Marbury, gives Dutton alliances. Fol. 3, 'The discent of Raphe Dutton lord of Hatton esquire,' originating with Odard to sir Hugh Dutton and continuing for fifteen generations. 'Thys dyscent was made and regestred in the tyme of the vysetation of Cheshire in the eight yeare of the Raygne off Soverent Ladye Elizabeth . . . Ano 66,' with the arms marshalled and a pedigree of the Dutton-Savage alliance. There are numerous by-references in the index at the commencement of the volume to the Duttons. Fol. 28 gives a tricking of the arms of the monastery of Norton. 'These armes w^{t} tharmes of Nigellus, Dutton, Manley, Aston and Bostoke be in th'abbay of Norton 1 Oct. 1572.' Fol. 29 gives a pedigree of Dutton, Bostock, Savage and Longford, the tributary source of Dutton descent commencing with sir Piers Dutton, lord of Dutton, who married Elizabeth daughter of the baron of Warington. Fol. 72 gives a copy of a fine in 1306 respecting lands in Hatton from the original in the possession of John Dutton, esq., in 1572. Fol. 117, Five pages of abstracts of early Hatton and Dutton family charters in Latin and English taken from the originals in possession of Mr. Dutton of Hatton by Laurence Bostock in connection with sir Christopher Hatton's claim of kindred there. There is also much genealogical information about the Bostocks, of whom the earliest known progenitor appears to have been one Adam. Brief summaries of the abstracts of the Hatton-Dutton charters (which do not appear to be given in Ormerod) are as follows:

1. Charter of Simon, son of Hugh de Hatton, by which he grants to the hospital of St. John of Jerusalem the land which Hugh his father gave in Hatton, so that Richard, son of William, and his heirs may hold of said hospital. Witnesses: Friar Alexander de Spineta, Hugh de Waverton, Robert de Belewe, William FitzPaen, Richard de Huxley, Thomas his brother, Thomas de Hatton, Roger Soc, Roger FitzWilliam, Thomas Walense, Gavin de Bickerton, Richard Barnard, clerk, and many others. Undated. Seal of green wax, an eagle displayed with inscription, '*Sigillu' Simonis de Hattona*' with cross.

2. Charter of Hugh de Hatton, son of Simon de Hatton, by which he grants to Thomas, son of William de Huxley, his nephew, and his heirs a messuage in Waverton which Adam Cosin formerly held at a rent of a pair of white gloves and 12d. annually to maintain a lamp before the high altar of SS. Peter and Paul in Waverton. Witnesses: John de M'einton, William de Brey (?), Thomas de Herthull, Richard de Hatton, Richard del Gritnes, Richard FitzMargery del Dunes, Hugh de Hēlēg, and many others. Undated. Seal of green wax, a lion and unicorn rampant and *vis-à-vis* with inscription, '*Sigillum Hugonis de Hattona.*'

3. Charter of Simon lord of Hatton has granted to Richard, his son, of land in Hatton and Chesterfield to hold by homage and service and a rent of 12d. Witnesses: sir Robert de Pulford, sir Hugh de Waverton, Robert de Stotevile, Hugh Ruffo de Waverton, Richard de Pulford, clerk, William de Tatenhall. Undated. Seal as No. 1.

4. Charter of Gilbert Pichoth, son of Robert Pichoth, by which he grants with assent of his spouse Margery, heir of Robert de Rolles, to Hugh, son of Simon of Hatton, all his right of lands in Waverton, etc., at a rent of two marks. Charter described as mutilated. Witnesses: Ralph de Meisnilwari, then justice of Chester . . . then sheriff, Robert Fitz-Pichot, Roger de Deneham, Patrick de Mobberley, Peter Clerk, Richard de Sandbach, Hugh son of Gilbert Pichoth, Roger Lancelino, Hugh de Breyes, Laurence Clerk, Hugh de Hueslia, and Master Thurstan. Undated. Seal, a lion rampant with inscription, '*Sigillum Gilberti Pigot.*'

5. Charter of Robert de Belewe, by which he grants to Margery, his daughter, a third part of Golborne and Newbold at a rent of two white gloves. Witnesses: Edenewrie son of Ednewrie, Ednewrie and Geoffrey his sons, Robert de Burawoodest, Ralph de Burawoodest, Hugh de Hatton, William FitzPaen, Allan Parleben, William Clerk. Undated. Seal, a lion passant with inscription, '*Sigillum Robt' de Belewe.*'

6. Charter of Peter Venator (the hunter) and Agnes, his wife, by which they grant to Hugh, son of Simon de Hatton, all their land in Newbold for a pair of white gloves. Witnesses: sir Fulke de Orreby, Robert Banastre, William de Brexona, Morgan de Milneton, Thomas de Harthul, William de Daby, Philip Clerk. Undated. Seal not indicated.

7. Charter of Roger FitzAlured, by which he grants to Adam de Dutton and his heirs his house '*de Cestria.*' Witnesses: John FitzAlured, Hugh de Dutton, Ham' de 'b'dinty',' Geoffrey de Dutton, William Hanselin, William Franceis, Aluren FitzSanson, Ham' Brito, Robert Clerk. Undated. Seal, a lion passant with inscription, '*Sigillum Roger' filius Alured.*'

8. Charter of John FitzAlured, by which he grants to Norman de Chester all his land of Lithe for a rent of 9s. Witnesses: Hugh FitzHudard, Edminio (?) FitzAldred,

Ernis, Gilbert de Leme, Richard Savage, and Robert de Haselville. Undated. Seal, a cross with inscription, '*Johis fili' Alured.*'

9. Charter of Roger FitzAlured, by which he grants to Richard Starky the whole of Stretton by the service of one-tenth of a knight's fee. Witnesses: Hugh de Dutton, Gilbert de Heston, Adam de Dutton, Urina Printling, Herebe de Walton, Geoffrey de Dutton, and Richard Chaplain. Undated. Seal, a hart passant with inscription, '*Sigillum Roger' fil' Aluredi.*'

10. Charter of Geoffrey, son of Adam de Dutton, by which he grants to Ranulph, son of Richard Starky, the whole of Stretton, etc. Witnesses: Geoffrey de Dutton, steward, Hugh de Dutton, Thomas de Oreby, Graham de Bostoke, Gilbert de Lymme, William de Walton, William Venator, Eutrop. de Mulviton, Robert Walter de Toft, Laurence Merbury, Calan Clerk. Undated. Seal, a shield charged with a cubit arm grasping a dagger with inscription, '*Sigillu' Galfridus de Dutton.*'

Fol. 250 repeats some of above charters, with additional abstracts of other charters, of which brief summaries are as follows:

11. Charter of William, second son of sir Hugh de Hatton, knt., by which he gives to Simon of Hurst lands within the lordship of Hatton, a portion of which Agnes, daughter of Robert and Ada, daughter of Gene, formerly held. Undated.

12. Charter of Adam, son of William Hatton, by which he gives to Simon, son of William of Hurst, certain lands in Hatton. Undated.

13. Charter of Adam lord of Hatton, by which he gives to Allanie, son of Richard, son of sir John de Hellesby, knt., in free marriage with Beatrice, his daughter, a parcel of land called Kyrstry and the fifth part of the lordship of Hatton. Undated.

14. Agreement between Alanie of Lymme and William of Aketon, senr. (no particulars given). Dated 1270. Witnesses: sir William Mascy and sir Roger Donvyle, knts., Hugh of Hatton, then sheriff of Cheshire, Hugh de Bostock, Adam de Hatton, and Thomas de Bostock.

15. Final concord, dated 1279. Witnesses: sirs Guincellin de Badelsmere, then justice of Chester, William de Venables, Patric de Arden, Hamo de Mascy, William de Launcelyn, Patric de Hasetwall, Philip de Penvile, Adam de Bostock, Roger de Dunvile, Hugh de Hatton, Hugh de Dutton, Richard de Masey, Hugh de Pulford, knts., William de Hawarden, then sheriff of Cheshire.

16. Charter of John, son of Hugh de Hatton, by which he grants to Robert, son of Robert le Grosvenor, all his lands in Chorley, Bolesworth, etc. Dated at Shilbrook, Wednesday after the Epiphany, 1294.

Anno 1307. Robert, son of Robert le Grosvenor, gent., claims of sir Ralph de Vernon, knt., all right in lands in Chorley, Bolesworth, Broxton, Magna Aldersey, Middle Aldersey, and Brook Aldersey, which he had of the gift of John, son of sir Hugh de Hatton, knt.

Anno 1307. John, son of sir Hugh de Hatton, knt., releases to Ralph Vernon his right in lands in Hatton, Waverton, Chorley, Broxton, and Aldersey. Witnesses: sirs Hugh de Venables, Thomas Tochet, Richard of Sandbach, knts., and Philip de Egerton, then sheriff of Chester.

At the first pentecost following the death of John, earl of Chester, an agreement was made (May 1238) between sir Geoffrey de Dutton, son of Adam de Dutton, of the

one part, and William de Wethale and Agnes and Margaret, daughters of Geoffrey, son of Adam de Dutton, of the other part, as appeareth by deeds in the possession of 'Mr. Peter Leicester.'

Anno 1289. Robert le Grosvenor, guardian of John, son of sir Hugh de Hatton, knt., of the one part and Ranulph de Deresbury and Margaret his wife of the other part, by which the said Robert has surrendered all the land of the said John in Waverton le Roller with water-mills. Witnesses: sir Reginald de Grey, then justice of Chester and Hugh de Pulford.

The above abstracts are followed by extracts from the Chester plea rolls. This volume also contains the correspondence with sir Christopher Hatton respecting his claim of descent from Hatton as printed at p. 41 of this work.

Extracts from the charters of John Savage in 1599 respecting Dutton and other families (Harl. MS., 338, fol. 13*b*).

Grants, warrants, and other instruments, *temp.* Edward V. and Richard III. (Harl. MS., 433). Fol. 17, Royal grant to sir William Stanley of the custody of all the lordships, manors, lands, etc., which were formerly of Roger Dutton, esq., and which he held *in capite* in the county of Chester, which by reason of the minority of Laurence Dutton, son and heir, had been seized into the king's hands. Latin, Fol. 47, A note of a pardon of £46 to Laurence Dutton and Thomas Dutton. Fol. 77*b*, 'Alianore Dutton the wif of Piers Dutton hathe a Prive Seal to the Eschætor of the Countie palatyne of Chester to amove his hands from the possession of such lands and ten'ts as was seised to the King's behoof upon an outla'ry of the said Piers; and be thereof not seased at the day of promulgac'on as evydently it is p'ved.' (This is the only record of the supposed outlawry of sir Piers Dutton, who died in 1545.)

Heraldic collections relating to Cheshire (Harl. MS., 506). Fol. 155, etc., gives extracts of deeds relating to the Duttons of Hatton and other families, but in an illegible handwriting, with rough sketches of early seals.

'A Book of Trickings of Arms' (Harl. MS., 588). Fol. 203 gives the Dutton arms, but not in any connection of interest.

Pedigrees of Cheshire Families (Harl. MS., 1170). Fols. 101*b* and 102 are occupied with a Warburton pedigree giving the generations of Dutton progenitors from Hudard. Fol. 102*b* brings the Dutton pedigree down to the Bostock alliance. Fol. 103 gives the main Dutton descent to the issue of Thomas Dutton, the last of the Duttons of Dutton, who is noted as living in 1610. Fol. 103*b* has a Dutton of Hatton pedigree of three generations, ending with Edmund Dutton of Hatton, 'now living, 1610.' Fol. 104 is a pedigree of three generations from Thomas Dutton, of Abbots Bromley, Staffs, to the issue of William Dutton, of Abchurch lane, London.

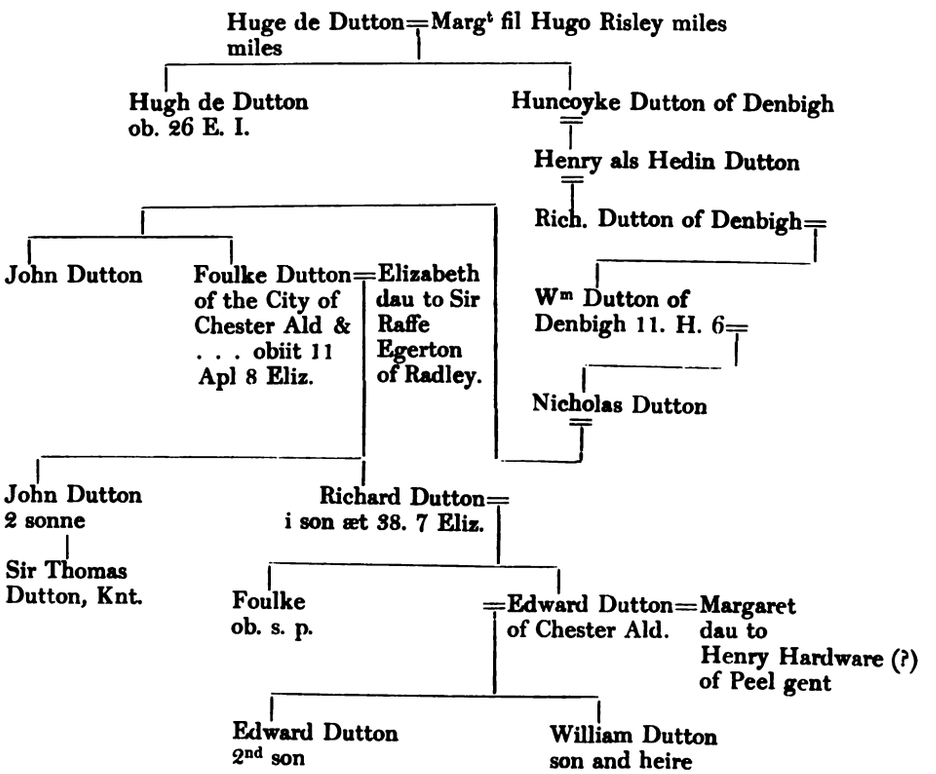
Book of Pedigrees (Harl. MS., 1174). Fol. 184 gives four generations of a Dutton pedigree, from Edmund Dutton of Dutton to Peter Dutton of Hatton, who married Elizabeth Grosvenor, whose sister married John Bird, to which the Dutton pedigree is given as a tributary to that of Bird, with a minute tricking of the impaled arms of Dutton and Grosvenor.

'Pedigrees of English Nobility' (Harl. MS., 1417). Fol. 33*b* gives a Dutton pedigree from Hugh de Dutton down to Hugh Dutton, who married Jane, daughter of sir William Bothe. Fifteen generations without dates; the names displayed within circles.

'Trickings of Arms by John Saunders and others' (Harl. MS., 1421, fol. 88). Fol. 2, Arms of Hatton. Fols. 80-88, Arms of Dutton.

Pedigrees (Harl. MS., 1500). Fol. 7 gives an elaborate pedigree of sir Christopher Hatton, lord chancellor, derived from the Hattons of Hatton, co. Chester., with a tricking of the crest and arms of six quarterings (1 and 6 Dutton), with crescent for difference. Fol. 36, Twelve generations of a descent from sir Hugh Dutton to John Dutton, with the arms marshalled for seven generations.

Arms and Pedigrees of Chester families: 'A copy of the Visitation Book of the County Palatine of Chester, as the same was made and taken by Richard St. George, Norroy, and in his company Mr. Henry St. George, Rouge Rose, A.D. 1612-13' (Harl. MS., 1535). Fol. 12*b* gives the arms and crest of Dutton in colours amongst the justices of Chester. Fols. 114*b* and 115 give a Dutton pedigree as follows:


Huge de Dutton miles
Margt fil Hugo Risley miles
Hugh de Dutton ob. 26 E. I.
Huncoyke Dutton of Denbigh
Henry als Hedin Dutton
Rich. Dutton of Denbigh
John Dutton
Foulke Dutton of the City of Chester Ald & . . . obiit 11 Apl 8 Eliz.
Elizabeth dau to Sir Raffe Egerton of Radley.
Wm Dutton of Denbigh 11. H. 6
Nicholas Dutton
John Dutton 2 sonne
Sir Thomas Dutton, Knt.
Richard Dutton i son æt 38. 7 Eliz.
Foulke ob. s. p.
Edward Dutton of Chester Ald.
Margaret dau to Henry Hardware (?) of Peel gent
Edward Dutton 2nd son
William Dutton son and heire

With the arms of Dutton in twelve quarterings, with crest and motto '*Durant ma vie*'; the whole roughly coloured. The pedigree shows the Sherborne branch to William Dutton, who married Anne Nicholas. It gives Thomas Dutton's, of Sherborne, alliances, as (1) daughter of Taylor of Gloucestershire; (2) '*Filia Kyrton relica Tho. Wythers miles*' (no knight of that name can be discovered). It affiliates Thomas Dutton as the second son of William Dutton of Chester. Fol. 301 gives an account of the lands given to Adam Dutton by John, constable of Chester, with Alice his daughter, and also of the lands given by the same Adam amongst his servants. At end of Dutton pedigree: 'To all manner of men that these letters pattents shall see or heare we Lawrance Warren John Savage of Wever, Laurance Fitton John of Carington and John Mayneringe Knightes Hugh Venables Handlyn Mayneringe William Venables George of Wever John Savage John of Dutton Esquires Henry of Hooton W^{m} of Dutton Richard of Dutton Piers Bamvylle John Goldesonne Richard Torfot Hugh of Wever Gentillmen senden greeting in God Almighty for as much as wee bynne enformed that our welbeloved Aly William of Dutton of Denbigh is vexed grevously in the saide towne of Denbighe by maliciouse suggestions surmethinge that the saide William should be welshe and his auncesters welshe and of welshe byrthe And in everie case it is bothe Almes and nedefull to beare witnesse of truthe, We by theis our letters pattens recorden that wee have hard this matter well examined by men of worshippe and antient men of the countye of Chester by which examination we fynden well that the said William is comen of owne Hankoe of Dutton the which was Englishe and brother lafully to S^{r} Hughe of Dutton some tyme lord of Dutton the whiche Hankoe had a sonne Henry otherwise called Heilyn the whiche Henry had a sonne called Richard the whiche Richard had yssue this William, and so is the said William comen out of the house of Dutton and of the auncestry of Dutton. In witnes of which thinge to these letters patents wee have sett ou' seales. Gyven the wensday next after the feast of S^{t} Lucye the vergyn in the yeare of the raygne of ou' so^{v}ergne lord the King Henrey the sixth after the conquest the elleventhe.'

Miscellaneous Tracts concerning the Ecclesiastical History of Chester collected by Randal Holme (Harl. MS., 1994). Fol. 145 gives a copy of a deed of gift by which Richard Dutton, of the city of Chester, alderman, gave, granted, and assigned his estate, real and personal, to Edward Dutton, his youngest son, and of the same put him in possession by the delivery of a gold ring, provided that if the donor should assure unto his son an annuity of 5s. issuing out of his lands, etc., within Chester during his lifetime, then this gift to be void. Dated June, 15 Elizabeth. Fol. 147 is a copy of a lease from the dean and chapter of Chester to Richard Dutton of Chester, draper. December 1, 5 Edward VI.

Pedigrees (Harl. MS., 2012). Fol. 65, A pedigree, folding into eight compartments, of the family of Warburton, collected for sir John Warburton, knt., lord of Arley, by Lawrence Bostock, gent., examined, allowed, and recorded by Robert Cooke, Clarencieux, 1574. It gives the Dutton progenitors from whom the Warburtons derive, bringing it down to Thomas Dutton, the last of the Duttons of Dutton, to whom it assigns a coat

of twelve quarterings done in trick, and the Warburtons a coat of twelve quarterings, also tricked. Fol. 129 gives a Dutton pedigree derived from sir Hugh de Dutton, who married Alice Prescot, to sir Thomas Dutton of Dutton, who married Ellen, daughter of lord Audley, displayed in order to graft sir Thomas's daughter and co-heir, Elizabeth Dutton, into the Bostock family tree through her alliance with sir Ralph Bostock, of Bostock, knt., with the arms marshalled and tricked for eleven generations.

Randal Holme's Cheshire Collections (Harl. MS., 2039). Fol. 27, An account of sir Christopher Hatton's rental in Cheshire (Sutton and Willaston), £382 14s. 10d. Fol. 38, The rental of Peter Dutton of Hatton, esq., taken by sequestrators in the case of Phillipps *v.* Dutton, March 24, 1636(-7), in Broxton, Aldersey, Chowles and Hatton. No totals. Fol. 171, Document signed by Richard Dutton, mayor of Chester. June 26, 10 Elizabeth.

Pedigrees and Coats collected by Randal Holme (Harl. MS., 2059). Fol. 239, Extracts from deeds belonging to Mr. Ralph Dutton of Hatton: 'Recd these nots of my cozin Mr. Raphe Dutton of Hatton esquire Novemb. 6, 1581.' Gives rough pen-and-ink sketches from seals of Hugh de Dutton, Laurence Warburton, Bostock, and others.

Randal Holme's Collections relating to Cheshire (Harl. MS., 2068). 'Abstracts of fines levied in the Court at Chester from K. E. I. to Ed. vi.' The Dutton references are given in an index at the end of the MS.

Randal Holme's Collections relating to Cheshire (Harl. MS., 2079). Fol. 132 gives a pedigree of Dutton from the Conqueror's cousin, who allied himself with Alice de Dutton, down to John Dutton, who married '*fil.* Calveley.' A total absence of dates and few wives are named. There are copies of Warburton charters in this collection.

Randal Holme's Collection of Pedigrees (Harl. MS., 2094). Fol. 103 gives a roughly-drafted Dutton pedigree of little interest or curiosity. Fol. 37 gives a pedigree, starting with Adam Dutton as its source, as a tributary to the Brereton family.

Cheshire Charters (Harleian MS., 2099). Fol. 19*b* gives a copy of a long deed in Latin noted 'This deed is in custody of Mr. Dutton of Hatton 1649, and then copied by me Randle Holme of Chester, jnr., alderman,' commencing '*In nomine Dei.*' By this deed let it appear that on April 24, 1412, in the chapel of Macclesfield, in the parish of Prestbury, in the presence of a notary on behalf of sir Thomas le Grosvenor, knt., and Robert de Legh, son of sir Robert de Legh, knt., one Henry de Bircheles, of the council of sir Thomas, read a record of a fine levied at Chester on the Tuesday in the vigil of St. Lucy virgin, 20 Richard II. (December 12, 1396), by which the said sir Thomas, son and heir of Joan, daughter and heir of Robert de Pulford, recovered against Ranulph le Mainwaring, Richard de Vernon de Shibbrok (? Shipbrook), and Robert de Toft, the manors of Bayerton by Salghton, Claverton, and Pulford, with advowson of Pulford,

20 messuages, 100 acres of land, 10 acres of meadow, 40 acres of pasture in Middle Aldersey, Crooke Aldersey, and Courthyn, a fourth of the manor of Cholley (? Chorley), and an eighth of the manor of Broxton, by writ of form of gift by virtue of a deed there produced, by which Robert de Cheadle, rector of Cheadle, and Robert de le Heth, rector of Pulford, gave to John, son of Robert de Pulford, the manors of Bayerton by Salghton, Pulford, and Claverton, a fourth of the manor of Cholley, an eighth of the manor of Broxton, also lands in Middle Aldersey, Crooke Aldersey, and Cawarthyn, and advowson of Pulford, which they had of the gift of said John, to have and to hold to said John by the service of a rose flower yearly on St. John Baptist's day for life of said John, and by doing all usual services and after life of said John to Joan his mother for her life, then to Robert, son of said John. Witnesses: sir William de Clynton, justice of Chester, William de Praers, sheriff of Chester, David de Egerton, Robert son of William de Haxelegh, William de Mulneton, William de Coton, Robert de Hawardyn, John son of Richard de Golburn, William Clerk, and others. Which said possessions said John gave to the said Robert de Cheadle by deed recited.

The said Henry de Birchells read a further record by which aforesaid sir Thomas le Grosvenor recovered against John le Maynwaringe, Ranulph le Manwaringe, and Robert de Toft, 8 messuages, 6 tofts, 300 acres of land, 20 acres of meadow, and 4 acres of wood in Waverton by Hatton by deed recited, by which John, son of sir Robert de Pulford, knt., confirmed to Robert his son and Isabel his wife all his possessions in Waverton by Hatton, also all lands, etc., which Master Jordan de Macclesfield and Lucy his wife held of the township of Waverton for her life by demise of said sir Robert, and which after the death of said Lucy should revert to said John, to wholly remain to said Robert and Isabel. Witnesses: sir William de Clynton, justice of Chester, sir Geffrey de Warburton, and sir William de Brereton, knts., William de Praers, then sheriff of Chester, Griffin le Warrant, William de Coton, John Godmon of Golburne, and others.

And same day and place it was agreed between aforesaid sir Thomas and Robert de Legh whereas the late Thomas de Belgrave and Joan his wife, daughter and heir of aforesaid Robert de Pulford, levied a fine of said tenements to discontinue tallies and talliages, by colour of which sir Robert de Legh, knt., and Isabel his wife, and Robert de Legh, son of said sir Robert and Isabel his wife, pretended to have right of ownership in said possessions by amicable treaty between aforesaid sir Thomas, son and heir of aforesaid Joan, and aforesaid Robert, son of Robert de Legh. In order to bring matters to a settlement, it was agreed that said sir Thomas should make oath upon the most venerable body of Christ with 24 trustworthy gentlemen, and as many more as be desired, which oath he made as follows: After a brief interval, one Robert de Birches, chaplain, whom the said Robert, son of Robert de Legh, had brought with him, at an altar of the said chapel of Macclesfield, on the north side, celebrated a mass of the most high Trinity, and there consecrated the body of our Lord, and said mass being concluded, said Robert de Birches, being vested in alb, with amice, stole, and maniple, held the said body of our Lord by him so consecrated upon the paten of the chalice in his hands before the said altar openly and publicly. And the said sir Thomas, humbly and devoutly kneeling before said priest at foot of the altar in sight of the people, together with James del Holt, by command of Robert son of Robert de Legh, the said Robert son of Robert,

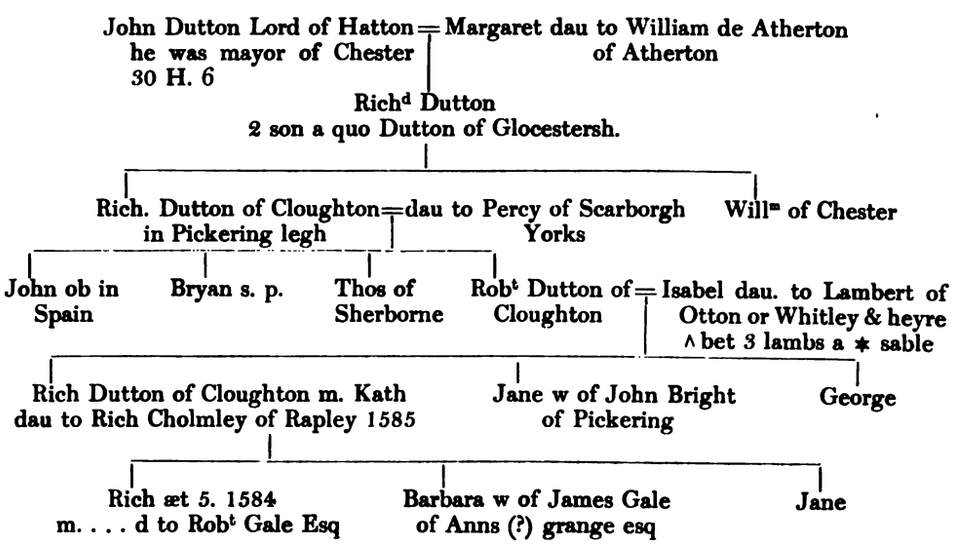
sir John de Ashton, knt., and John de Legh de Bothes, said sir Thomas, holding in his hand the three charters aforesaid upon the body of our Lord, swore that the said charters were faithful charters, and lawfully made and executed. That in affirmation of the oath aforesaid sir Lawrence de Marbury, knt., then sheriff of Chester; sir William de Brereton, sir William de Stanley, and sir John de Pull, knts.; Hugh le Venables de Kinderton, John de Delves, William le Venables de Kinderton, William de Brereton, jun., William de Egerton, Hugh de Dutton, Ralph de Mainwaring, Ralph de Davenport, Lawrence le Warren, Philip de Egerton, John de Whitmore, Adam de Bostock, Robert de Winnington, John Donne de Utkinton, Richard de Manley, Mathew del Mere, John de Manley, Richard de Bulkeley de Cheadle, Thomas Daniel, John de Legh de Legh, John son of Randolph le Mainwaring, Hugh de Davenport, Robert de Davenport, Nicholas de Davenport, Richard de Warburton, Ralph de Bostock, Thomas Starkey, Peter Starkey, Brian de Egerton, Hugh de Egerton, David le Speire, David de Crewe, John de Wodehouse, John de Cholmondeley, Hugh del Malpas, Roger de Mulynton, William de Beston, Henry de Spurston, John de Kingesley, Robert de Hassall, John de Brescy, William de Leicester, Robert de Toft, Robert de Overton, John de Brereton, John de Winnington, William son of Richard del Mere, Thomas de Coton, Hugh de Coton, Robert de Needham, William de Frodsham, Henry de Brichells, and Thomas de Haslington, the said oath upon the body of our Lord affirmed as a memorial of their knowledge and belief. And each one for himself singly affirmed, raising their hands together to the said body of our Lord in token of the fidelity of the oath afore delivered. And the aforesaid sir Thomas, taking the said body of our Lord from the hand of said sir Robert the priest, with becoming reverence received and reverently communicated. And forthwith the said sir Thomas le Grosvenor and Robert son of Robert de Legh embraced (or kissed) each other in confirmation of the agreement aforesaid. And said Robert admitted the possessions to be the right of said sir Thomas. In witness whereof said sir Thomas procured the whole of the witnesses thereto to set their seals and a notary to place the whole upon record, being done in the presence of sir Roger le Venables, rector of Rosthorne, Hugh de ffarington, rector of Davenham, Bachelor in degree, William Prydyn, rector of Gawsworth, and others. With note by Roger de Salyhall, notary public, that he caused the record of the above to be made, adding his sign and name. (There appears to be no reference to this interesting document in Ormerod's 'Cheshire,' nor does it appear to have been printed elsewhere. A facsimile of the page of Randal Holme's drawings of the seals is given. The original document seems to have disappeared.)

Fol. 90: 'Edw. by the grac. of God &c. to our welbeloved the maior sherriffs & all other our officers &c. That Rog. Dutton of our county palatyne of Chester Esqr. being of a rebellious minde & contrary to the duty of his allegence, hath for his safegard continued in santuaries & priviledged places, affirming he hath his pdon under our great seale, w^{ch} if soe be we assertaine y^{u} it is unwittingly past us, & therefore that we may pfectly know whether he hath such or noe, y^{u} are comanded to attach & imprison him till y^{u} heare further frō us &c. The privy seal broken away.'

Randal Holme's Cheshire collections (Harl. MS., 2103). Fol. 96, Letter from Richard Dutton, dated at Chester, 21 March, 1627(-8), to the earl of Bridgewater.

Though himself unknown to his lordship, is well assured that the writer's late suit with the dean and chapter of Chester respecting the estate which his ancestors and himself held under them is known to his lordship. An award under arbitration has been made respecting them by viscount Savage, by which the stewardship wherein his lordship has honoured them with his name is bestowed upon him. His suit is therefore (in which he is rather encouraged, as his lordship has disposed of the same to a charitable use) that the title of the place may be transferred to him, and during the poor beadswoman's life he will most justly continue his lordship's bounty to her. Signed by him. One page folio. Fol. 153, The case in dispute between Edward Dutton, esq., and alderman Ratcliffe, in the exchequer at Chester, respecting Ratcliffe's refusal to grind at the plaintiff's mills. 23 May, 1616.

Collection of Pedigrees. Dutton family mottoes (Harl. MS., 2119). Fol. 19*b* gives the names of the manors, lordships, towns, and lands which sir Geoffrey, son of Adam de Dutton, gave to certain of his gentlemen yeomen. Fol. 18 *et seq.*, Dutton Pedigrees from the conquestral ancestor, 'Hudard Cosen to Conquerour,' downwards. Fol. 24 gives a tricking of Dutton arms and crest with twelve quarterings, with various Dutton family mottoes: 'An ould motto *Levi sed constance*'; another, '*Bene facito ac ne dubita.*' Peter Dutton's of Hatton motto 'when he was sariff "*Sapit qui sustinet.*"' Fol. 24*b* gives a large tricking of Dutton arms with twenty-four quarterings as 'Peter Dutton of Hatton Esq^{r}. his quart'ing.' Also the motto under the banners 1652, '*Pense que voules, mais garde que parles.*' (Harl. MS., 1535, fol. 114*a* gives another motto as '*Durant ma vie.*') The pedigree erroneously affiliates Thomas Dutton, the first of Sherborne, as son of Richard Dutton, of Cloughton, co. York, as follows:


John Dutton Lord of Hatton he was mayor of Chester 30 H. 6
Margaret dau to William de Atherton of Atherton
Rich^{d} Dutton 2 son a quo Dutton of Glocestersh.
Rich. Dutton of Cloughton in Pickering legh
dau to Percy of Scarborgh Yorks
Will^{m} of Chester
John ob in Spain
Bryan s. p.
Thos of Sherborne
Rob^{t} Dutton of Cloughton
Isabel dau. to Lambert of Otton or Whitley & heyre ∧ bet 3 lambs a ✱ sable
Rich Dutton of Cloughton m. Kath dau to Rich Cholmley of Rapley 1585
Jane w of John Bright of Pickering
George
Rich æt 5. 1584 m. . . . . d to Rob^{t} Gale Esq
Barbara w of James Gale of Anns (?) grange esq
Jane

It gives 'Richard Dutton's of Cloughton motto, *Servabo fidem,*' the same as is still used by the Sherborne branch. A note at fol. 19 questions the authenticity of the pedi-

grees: 'Long since about E. 6. or beginning of queene Eliz. was this made but is very false in all places marked wth a † because the evidences doth prove against it neither doth it agree wth the pedegree made for John Dutton of Dutton in 1566, it semeth this was before.' The portion relating to the descent of the Sherborne branch is not marked in the manner indicated.

Randal Holme's Cheshire funeral collections (Harl. MS., 2129, fol. 67). "The funerall of S^{r} Tho. Egerton sonne & heyre to Tho Lo Chanceller who dyed in Dublyn Castell his body was brought over & buried in Dodleston Church his funerall was solemnised in Cathedrall Church in Chester 26 Sept 1599 his funerall diner kept in Bushopps palles.' In the procession is the bellman, two drums, and a fife, soldiers trailing pikes, 'the Trumpitt sounding dolfully'; the sheriff of Cheshire, the bishop, and the mayor and aldermen, with Mr. Sargant Worberton amongst the chief mourners. In the same volume, fol. 15*a* is a note of Sir George Warburton's funeral. Agreed for £18, 'Penon. Standard Coate Sword & various escutcheons for gate & pulpit.'

Randal Holme's Heraldic collections (Harl. MS., 2149). Fol. 23 to fol. 25 give abstracts of important early Dutton evidences with trickings of heraldic seals. Fol. 31*b* gives a copy of the will of Lawrence Dutton of Dutton, May 20, 1526, which makes provision for base children; to the parson of Budworth his best beast for a mortuary, 15s. for prayers for his soul, and 5 marks to repair the church and for ornaments. Sir John Port, judge of King's Bench, and testator's wife executors. 500 marks towards his daughter's marriage.

Church notes of Dutton memorials in Waverton church in 1572 (Harl. MS., 2151). Fol. 103, 'Wav'ton Church an'o 1572 these arms be graven in stone upon a crosse in the churche yarde.' Arms of Brailsford, Vernon, and Hatton, 'these armes are in the windows of the church.' Royal arms. Clive of Huxley and Hatton. 'In midle of the quire is Intered the body of Sir Peter de Dutton sen. & Elizabeth his wife. In the south chappell at the head of Reginald Kirkby lyeth Hugh de Dutton *va'les cujus cestr.* On the left hand him and by him lyeth Peter de Dutton his son & sister. At the right hand of Adam Swynhead lyeth Nicholas Vernon. In the Quire & his part are these persons interred. In the reading place ag^{t} the high alter is buried Annabella de Hatton Cicelie her daughter Hugh Dutton esq^{r} and Petronilla his wife. By the left side of Hugh Dutton, by the stalls or pews "*Jacet Ran' de Dutton quand'm Rector de Christleton fil Hugonin et Petronella.*" By the pulpit on the south side thereof under a stone "*Jacet famosus armiger, Johanes Dutton, dominus de Hatton*" & by his left side "*Jacet Margareta uxor ejus.*" Between his tomb & the pulpit "*Jacet Galfridus Dutton filius predicti Johannis.*" In the midle of the Quire under a marble stone "*Jacet Ranu's de Vernon Armiger dominus de Hatton.*" Between his right hand & the beginning of the principal seats to the step where the Epistle is read "*Jacent octo de filius et filiabus ejusdem Ranulphe.*" In the Reading place, in the grave where the lady "*Annabella et dna' Cicelia filia ejus*" in the same grave "*Jacent Elizabetha Dutton de Hatton*" at the head of the said Elizabeth & on the right side of Ran' Vernon "*Jacet Petrus Dutton de Hatton.*"

Directly before the Alter, "*Jacet Hugo filius Thome de Dutton.*" And by the step of the Alter between the pulpit and seats or stalls "*Jacet Ellen de Jollybrond soror Petri de Dutton de Hatton sen.*" ' (None of the above-mentioned memorials are now there, the church having been twice 'restored' since the year 1844. The Dutton arms are still to be seen sculptured over the west door.)

Randal Holme's historical collections relating to Chester (Harl. MS., 2155). Fol. 38 gives notes relating to sir Geoffrey Dutton, younger son of Hugh de Dutton, to whom John, constable of Chester, gave the whole township of Clifton, '*de uxore desponsata,*' and to his son and grandson. Also notes at fol. 40. (This MS. volume contains an interesting broadsheet of those who were killed as royalists during the Civil War, printed 1660.)

Heraldic notes (Harl. MS., 4204). In this volume is a note of the manors, lordships, towns, and lands, which sir Geoffrey, son of Adam de Dutton, gave to certain of his gentlemen, etc.

Letter from M. Dutton dated at Oxford, 11 September, 1739, to the rev. Thomas Birch, St. John's lane, Clerkenwell, respecting errata in a proof returned. (Sloane MS., 4305, fol. 106.)

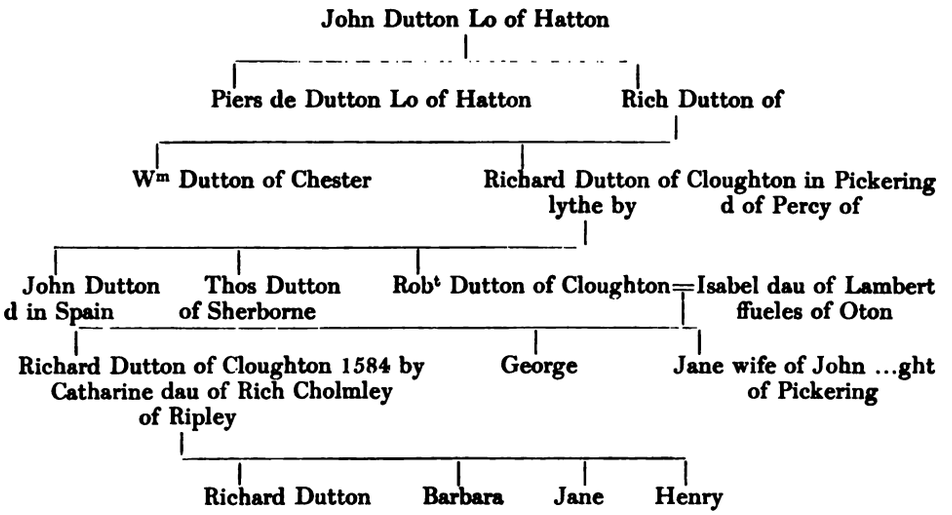
Suffolk pedigrees, etc. (Add. MS., 5524). Fols. 45*b*, 46*b*, 'The descent of Raphe Dutton L^{d} of Hatton.' From Hudard to the issue of Ralph Dutton, third son of Sir Piers Dutton, lord of Hatton in 1566, by the gift of his father. With ten generations of arms marshalled, and the Dutton coat of six quarterings at foot. 'This descent was made and registred in y^{e} time of y^{e} visitacon of Cheshire in the 8th yere of the raigne of our soveraigne Lady Elizabeth by y^{e} grace of God of England France & Ireland &c A.D. 1566, by William Flower alias Norroy King of Arms and Robert Cooke alias Chester Herald of Arms Marshal to Norroy.' It does not bear the Sherborne branch. It notes the issue of Hugh Dutton of Dutton with issue, John, in 1566.

Documents relating to the exchequer, etc. (Add. MS., 5755). Fol. 23, Holograph receipt by Thomas Dutton, broker of Antwerp, for £105 5s. 8d. from sir Thomas Gresham, the king's agent, for brokerage upon £10,539, with signature. April 29, 1558.

Cheshire Collections (Add. MS., 6032). There are a few unimportant Dutton family references in this collection.

Four letters from the Rev. Mathew Dutton, rector of Hinderwell, dated at Ember Green, near Reading, 1761-63, to Rev. E. Lye, respecting the repair of the chancel and chapel of Hinderwell church (Add. MS. 32325, fols. 166-168, etc.).

Pedigrees of the families in the county palatine of Chester, taken about the year 1630 (Add. MS., 5529). Fol. 17*b* gives Dutton pedigrees, commencing with Hudard, and continuing to fol. 18 down to the heiress of Thomas Dutton, the last of the Duttons of Dutton. It affiliates Thomas Dutton, of Sherborne, as the second son of Richard Dutton, of Cloughton, in Pickering, Yorks, by Miss Percy (thus agreeing with Harl. MS., 2119, fol. 24), and places William Dutton, of Chester (Thomas Dutton's, of Sherborne, reputed father), as his uncle as follows:



Fol. 50 gives the Dutton family progenitors of the Warburtons of Cheshire.

Letter from Frederic Dutton, vice-consul, dated at Cuxhaven, December 19, 1825, to the 2nd earl of Chichester. Encloses a letter from Mr. consul-general Canning, by which his lordship will see that he is in future to be allowed £100 per year for discharging the duties of vice-consulate. Is of opinion that, though the government has taken into general consideration a new arrangement for the consulates, the certificate which the duke of Cambridge gave him accounts for his case having been more favourably decided upon. Signed by him, with copy of letter from Henry Canning (Add. MS., 33112, fol. 475).

Dutton wills proved at the Chester probate registry.

Will of Laurence Dutton of Dutton. Dated October 4, 1527. Proved in St. John's, Chester, January 20, 1527-28.

'To all men to whom thys present wrytyng indented and last will off me Laurence Dutton of Dutton in the countie of Chest' esquyer shall come here or see I the said Laurence send gretinge in o^r^ Lord God everlastinge and knowe ye me the said Laurence beying in good and perfyte remembrance intendyng at the tyme of my dethe when it shall please our Lord God that I shall dye and depart out off this myserable and transytory world to chaunge my lyff lyke as a true christen man ought to do Wherefore I the said Laurence the iiij^th^ day off October the ye'r off our Lord God mdxxvij and in the yere off the reigne of our sov'ain lord Kyng Henry the viij the xix do make and declare my last will and testament as well conc'ynge all my goods cattells and fermes as all my maneres lands ten'ts and heredytaments w^t^ other my possessones in forme followinge ffyrst I bequethe my soule to Almyghty God besecheinge humbly our blessed lady and all the holy compeny of hevyn to be mediators for me to the holy trenyte to accepte the same to the eternall blysse of hevyn And I will that my body shalbe buryd and enterred amongs other my auncestoures in the chapell of our blessed lady w^t^ in the monastery of Norton Also I will that ev'y preist that shalbe at my buryeing to praye for my soul have xij^d^ ev'y clerke iiij^d^ and ev'y pore man and woman j^d^ and all other thyngs necessary and convenyent for the same I put to the ordryng will and discrec'on of suche person or persones as I shall name to be myn executor or executors and put in trust at the tyme of my dethe or seche other persone as shalbe presint and ordur for me att my departure Also I bequethe to maister vicare off Budworth my curate my best beast for my mortuary and xx^s^ in money over his other duties to pray for my soule beseching hym of forgevynes for suche thyngs as I have not done my dutie to God holy churche and hym. Also I bequethe toward the reparac'on of the parishe churche of Budworth and toward the beyng of ornaments thereunto fyve marks. And to the mother church off Coventrye and Lycehfeld xx^s^ Also I bequethe my dought^r^ Isabell towards hyr mariage v hundreth marks if she be not maryed in my lyff and the same to be levyed and perceyved as hereafter shall appere. And if she be maryed and part of the money not payd the rest beinge then due to be payd of the profetts of my lands in forme as hereafter shall appere in my said will And in like man' I bequethe to my doughter Dowce v hundreth marks towards her mariage if she be not maried in my lyff to be levyed and perceyved as hereafter shall appere And if she be maried and part of the said fyve hundreth marks unpayed that the rest and residue shalbe payd in forme as is above expressed for my doughter Issabell And my will is that if my said doughters or on of thym be not marryed in my lif that they or she that is unmaried after my decesse shalbe ordred in their or hir mariage by the advyse of my said executour or executoures and feffes or the more part of theym Also I will that all my detts w^t^ out delay be fully contented and payd and if I have offended or wronged any person or persones that they shalbe fully recompensed and agreed by myn executour or executours

Also I bequeth to Sir Edmond Asheton preist to sing for my soule and my wyffe soules and our auncestoures soules and especiall the soules for whom I am most bounden to praye every yere by the space of xx^{ty} yeres the some of sevyn marks. And if the said Edmond dye during the said xx^{ty} yeres that then a nother honest preist be provided by myn executour or executours to syng and pray for my soule and the soules above rehersed the residue of the said xx^{ty} yeres having yerely the said seven marks for his selary and the same to be taken of the rents issues & profetts of my lands and tenements in Moldesworth Also I will that all my howsold servants as well men as women be fully contentyd and satisfied of there wages and every of theym after my decesse to have a quarter wages above theire dutie to pray for my soule Also I bequethe to every on of my bastard chyldern as well sones as doughtours iiij kye or iiij heffers Also I bequethe to the reparac'on of Acton bridge and high way thereunto adjoining twynty pounds if I rep'ir it not myself in my lyff Also I bequethe unto Margaret Bothe fourty pounde in money of my goods to be delyvered unto hur immediatly after my decesse towards the fynding of hir and hir children and to pray for my soule and all christen soules And for the orderyng and disposic'on of all my landis and heredytaments I the said Laurence declare my will in manner and forme as folowith ffurst I will John Dutton my bastard sone shall have to hym his heyers and assignes all and every such lands and tenements w^{t} their appurtennts that hath been purchased by me the seid Laurence or by eny other to my use w^{t} in the countie of Chester or ells where and that my feoffes thereof shall stand and be seised after my decesse to the use of the said John and to his heyers or to his assignes Also I will that the seid John have for the terme of his liff all my lands in Annston which be of the yerely value of fyve pounde above charges and the mosse fylds nowe being in the severall holldings of the seid John Dutton Hugh Jannyn John Jannyn Agnes the wyff of Raynold Taylior payng yerely for the said mossefilds for all suts and servyces vj^{s} viij^{d} to me the said Laurence and to the heres males of my bodie lawfully be geton and for fault of such issue payng yerely duryng the seid time to Sir Perys Dutton knyght and to the heyers males of his bodye lawfull begoton vj^{s} viij^{d} And I will that my feoffes thereof shall stand seased after my dethe to the vse of the said John during his lif and in likewise I will that my feoffes of all my landis in Northwiche which be of the yere (*sic*) value of xij^{li} shall stand seased of percell therof of the yerly value of viij^{li} to the use of Thomas Dutton and Robert Dutton my bastard sonnes for terme of their severall lyves and shall suffre theym equally to receyve & take the profetts therof after the dethe of me the said Laurence duryng their said lyves that is to wit either of theym iiij^{li} and of landis of the yerely value of iiij^{li} residue of the said sume of xij^{li} I will that my said feoffees shall stand seased to the use of the said John Dutton Thomas Dutton and Robert Dutton ffor terme of their severall lyves that is to wete every of theym severally xxvj^{s} viij^{d} And I will that the said John shall have the nomination and making of tenants of the saidis landis, of the yerely value of iiij^{li} duryng his lif payng yerely for the same to the seid Thomas and Robert liij^{s} iiij^{d} at the termes usuell by evyn porc'ons duryng their saide lyves And where I have bequethed to eyther of my said doughters Isabell and Dowse fyve hundreth marks towards their mariages I will and it is my full mynd that my saide feoffes shall suffre the said Sir Peris Dutton who for default off issue male of my body lawfully begoten is my next ryght heyer male

as appereth by my old evydences yerely to content and paye after my decesse unto the said Issabell and Dowce at the festes off the Nativitie of Saynt John Baptist and Saynt Martyn in wynter or within xl dayes after either of the said feists next ensuyng on hundreth marks of lawfull money unto such tyme as either of the saidis Isabell and Dowce or their assignes be fully content and payd v hundreth marks towards their mariage if they so long doe lif Also I will that my seids feoffes shall suffre the same Sir Perys after my decesse to content and paye unto Katerine and Anne my bastard doughters lxxx^{li} off lawfull money that ys to wit either of them xl pounde to their mariage to be payed as folowith that is to wit yerely unto the said Katheryn iiij^{li} at the said feists or within xl dayes then next folowyng and to the said Anne iiij^{li} unto suche tyme either of theym have receyved by the hands of the said Sir Perys his heyres or assignes xl pounde ffor their mariage if they soe long doe lif Provyded that my said bastard doughtours and either of theym shalbe ordred by my executor or executours and feoffes or by the more parte off theym. And if the said Sir Perys Dutton his heyers or assignes do not yerely well and truly content and paye as well unto Isabell and Dowce my mulier doughters the said (*sic*) some of on hundreth marks as to the seid Kateryn and Anne my bastard doughtours suche sumes of money as before I willyd to them for their mariage then I will that as well the said Sir Perys Dutton as all my other feoffes shall permyt and suffre the seids Isabell and Dowce and their assignes yerely to perceyve and take on hundreth marks sterlyng of all and every the issues rents profetts and advantages of all my lands and tenements in Wyston Nesse Stone Downham Happesford Stawke Pycton and Legh in the countie of Chester yerely unto such tyme as either of theym or their assignes have receyved fyve hundreth marks toward their mariage as ye above said And shall also suffre and permyt the seid Kateryn and her assignes yerely to receyve and take all the issues rents and profetts after my decesse off all my landes in Acton in the said countie of Chester except my purchased lands which I have gyffen to my said son John unto such tyme as the said Kateryn or hir assigenes have receyved the said some of xl pounde And in likwyes the said Anne my bastarde doughtor or hir assignes to receyve all the issues rents and profetts of all my landys in Berterton after my decesse except my said purchaste lands which I have gevyn unto my said sonne John unto such tyme the said Anne or hir assignes have receyvt xl poundes for their mariage upon such conditions as is above rehersed Also I will that my feoffes off tow tenementis with their appurtenances in Dutton which be of the yerely value of xlix^{s} viij^{d} and now in the holdyng of the forsaid Margett Boith immediatly after my decesse shall stand and be seased thereof to the vse of the said Margett for terme of hir lif And I will that the said Thomas Dutton my bastard sonne shall have for terme of his life a mease and landis called the m'che which late was in the holdyng of Laurence Dutton paying therfore yerly to me the said Laurence and to the heires males of my body lawfully begoten and for default of such issue to the said Sir Peris Dutton and the heyers males of his body lawfully begoten the rents therof due and accustomed And further I will that all my feoffes and their heyers after my decesse shall stand and be seased off my maner off Dutton with the appurtenances to the vse of me and of my heyres males of my body lawfully begoten and for default of such issue to the use of the said Sir Perys Dutton and the heyers males of his body lawfully begoten And off all

the residue of my said maners lands and tenementis excepte my purchaste lands after this my present will performed to the use of the heyers males of my body begoten and for default of such issue to the use of the said Sir Perys and off his heyres males of his body lawfully begoten Also I will that all such lands and tenements as myn uncle Arnalde Dutton purchaste of on Mosse in Bedfordchyr which lands and tenements be of the yerely value of x^{s} remayne and come immediately aftur my decesse to the said Mosse and his heyers and that he shall have delyvert unto hym all evydences and wrytyngs onely concernyng the same. Also I will that if Sir Peris Dutton his heyers or eny other that shall fortune to be myn heyers male do distowurbe and lett my seid doughtours feoffes or executor or executors or eny of theym or any other person or persons before named to receyve and take the revenuez issues and profetts of the forsaid maners lands and tenements or off eny parte of theym accordyng to this my present last will or vex inquiet or trowble theym or eny of theym by sute or other wyse that then I will that my said feoffes and my executour or executours shall alyene and sell my maner of Nesse all my meses lands and tenements in Nesse and Stawke afor said to whom they shall thynke moost convenyent to have to hym or theym and their heyers in fegh and with the money therof receyved and taken by my said executour or executours they shall defende the said Sir Perys Dutton or eny other person or persons that soo shall lett distourbe vex inquiet or trowble the performance of my said will And also see my will fully performed and the surplushach of the said money to dispose for my soule and the soules of myn auncestres and all christen soules Also I orden and make the said John Dutton my bastard sonne my true and faithfull executor moost hertly prayng and beseecheyng hym and also all my feoffes and frendes and every of theym to helpe and putte their good myndes to execute performe and fulfyl this my present will and testament chaurgeynge my said executor soo to do as he will answare before Almighty God at the fereful day of Jugement Also I ordeyn and make Sir John Port knyght on of the Justices of the Kyngs Benche overseer of this my present will humbly beseching him for the great love he haith born unto me in my liff that it will pleas hym to see this my present will in all thyngs performed and to help my said executors ffor the accomplishement of the same And I will that the said Maister Port shalbe rewarded and recompensed for his payn which he shall take in the same by my said executour accordyngly In witnes wherof I the said Laurence to this my present will indented have putto my seale these being witnesses Sir Will'm Hardw'ar vicar of Budworth Perys Wynyngton Richard Leftwich John Wynyngton of the Harmytage the younger John Dutton off Hellysby John Grymyseyche Laurence Hatton Sir Will'm Browne priest and others Yeven the day and ye'r above said

'Concordat cu' probato
'R. WYDHOPE.'

Will of John Dutton of the New Manor. Dated February 9, 1542-43.

The will of John Dutton of the New Manor.

In Dei no'ie Amen The ixth of ffebruarie in the xxxiiij^{h} of Henrie the eight &c. I John Dutton of the newe manor wholl in mynde &c. ffirst I bequethe my soull to Almighty God and o^{r} Lady St. Mary and beseche him that I may be partaker with him

of ye joyes that he bought for me and all mankynd wth hys precious blood And my bodye and bones to be buryed in the chaunsell of Derresbury afore the Image of St. Elyn there ffurther yt is my mynde and will yt all suche things as be undoone of my fathers wyll wherewth I was put in trust ye same shalbe accomplyshed and doone wth my goods by myne executours Also I will that all my lands goods and cattalles moveable and vnmoveable shall contynewe styll together after my discesse unto suche tyme as my yongest bastard childe shalbe of the age of xvii years and if my wyffe so long keep her sole vnmaryed after my dicesse and ye same to be imployed and go to theyre exhibic'on and most proffyt duringe the same tyme And I to be brought home and my funerall expenses and legacies to be payd upon my whole goods And if my wiffe in ye meane tyme be maried and be not contented to lyve so longe sole or if she withe this my will be not contented then it is my full mynd and wyll that my said goods and catelles shall equally be devyded in three partes And one parte thereof my wyffe to have and another parte my bastard sonnes and ye thyrd parte my bastard doughters And if my wyffe nowe be wth child whether it be man child or woman chyld then I will that the same child have a portion of my goods like as my other bastarde chyldrene have And the third part of the profytts and revenewes of my lands I will yt my wiffe have during her lyffe And after that the sayd sevantene years be fully ended and fynysshed I will all my lands within the countie of Chester and the fee of Hatton shall go and remaine in manner and forme as hereafter ensueth It is to witt yt if my wyffe be wth chyld wth a soñe then he to have the moitie or halffen deale thereof and John Dutton my bastard soñe thother moitie or halffen deale to theym and to ye heirs males of their bodies lawfullie begotten And if it chaunce ether of theym to discease wthout haire male then yt is my mynde and wyll yt whether of theym fortunes to survive thother shall have ye whole lands to him and to his hayrs male by his bodie lawfullie begotten And for default of such yssue then yt is my will the same my lands shall go and remaine to Thomas my bastarde sonne and to theire male of his bodie lawfully begotten and so to remain from one bastard sonne to another as longe as I have any sonne Item I geve and bequethe towards the making of a wyndowe upon the south syde of ye churche of Derresburie if my name may be sett in the same and the same syde be made wth in the space of xvii years next ensuynge the date hereof xl^{s} Item I geve and bequethe xxx^{s} for three trentalles of masses to be sayd for me to wyt one trentall to be sayd the daye that I am buryed if so many priests can be gotten and if not then to be fylled out another daye and thother two trentalles to be sayd by S^{r} Hamnet Sonky S^{r} Wyll'm Pikton and S^{r} Rob't Sonky assone as they may convenientlie afterwards And yt every of thafforesayd xvii yeares that vi^{s} viii^{d} be dysposed upon an obyte or mynynnynge* (*sic*) day thone halfe to be given to poore folks and thother to the pryests and clarks and for bread and drynke Also I geve &c. to Katheren Wyrrall xl^{s} and desyre her in the way of charitie to forgeve me of suche offencs and trespacs as I have made to her I geve &c. to Margaret Bikerton xx^{s} and to Ellen Kirkham other xx^{s} It'm I will that at my buryenge vi white gownes be bought by my executors and distributed to vi poore folks where they shall thinke most expedient and nedefull. I ordeyne etc. John Dutton and Thomas Dutton my bastard

* 'Mynynyng Day—the anniversary festival in which prayers were offered up for the souls of the deceased.' Sometimes they had a monthly 'mind.'

sonnes my executors and I desire my Mr. S^{r} Peers Dutton my brother Thomas Dutton and Thomas Grymesdich and my wyffe to be overseers of the same And if it fortune that any of my afforesaid childrene chaunce to be marryed affore ye afforesayd xvii years be expyred or be not contented to tarry together but will go and be ruled by him or her selfe then I will that the same child so goynge from the other shall have for his or her porc'on viii marks And if any of my executours or overseers of this my will take paines or be at charges for the perfermēt or fulfyllinge of this my will it is my mynde that they shalbe recompensed at the oversight of the other overseers. Item I geve and bequethe to every of my godsonnes ij^{s} Item I geve &c. to John Bothe vi^{s} viii^{d} and to Laurence Bothe vi^{s} viii^{d} and to Rondull Onesworth vi^{s} viii^{d} Item it is my wyll that if it chaunce me to discesse at this tyme that this my wyll shalbe made up in due forme accordinge as it ought to be by thadvise of my brother Thomas and Thomas Grymisdyche and my executors to have the kepinge therof These beinge wytnes S^{r} Thomas Fletcher vicar of Runcorn S^{r} Hamnet Sonky S^{r} Will'm Pikton Rondull Onesworthe Thomas Dutton Thomas Grymysdyche Roger Massye of Acton John Henryson of Annston Henry Duckworth and others And hereunto I have put my seale the daye and yeare above sayd It'm I geve &c. ye resydue of the tacks of my howse wherein I now dwell wth all lands thereunto belonginge to my wyffe as longe as she kepeth her sole unmaried towards ye kepinge of her and my bastard children and if she marie or decease then I will geve &c. the same to John my eldest bastard sonne and if he discesse then to the eldest of my bastard sonnes next him.

JOHN DUTTON.

Abstract of the will of Piers Dutton of the new borough in the parish of Great Budworth. Dated August 11 (?), 1558.

To be buried in the chapel of our lady adjoining to the parish church of Budworth. To his wife Katherine the lease of lands in Dutton called the Marsh and after her decease to her son John Dutton son of testator's cousin Thomas Dutton her late husband during his life. Also to his wife tithe of grain in Dutton. To his eldest son John Dutton and son Ralph, Frances and Mary Dutton his natural daughters : to Margery Dutton, Katherine Dutton, Jane Dutton and Margaret Dutton certain monies unless William Rutter refuse to marry Elizabeth his daughter and marry any other of his said daughters. To John Dutton, Ralph Dutton and Thomas Dutton natural sons of Thomas Dutton, gentleman 20^{s}. To John Dutton son of Thomas Dutton £40 which 'my Mr. John Dutton of Dutton esquire' oweth him. Executors to build up Pulsey bridge. 'Sir' William Browne and John Smyth 3^{s} 4^{d} for watching with him in his sickness. John Dutton and Ralph Dutton natural sons executors. Thomas Dutton of Sherborne co. Gloucester esquire and Laurence Winnington of the Hermitage, esquire, supervisors. With Inventory. Died August 13, 6 Philip and Mary (1558).

Abstract of the will of John Dutton of the town of Lyons otherwise called the Holt in Denbighshire, gent.

To be buried in Holt church. To 'sir' Hugh Webster, curate there 20^{d}. To poor 20^{s}. Wife Anne. 'Childer' Katherine, Elizabeth, Johan, John, William and

Lancelot. Wife Anne and Cousin Matthew Ellis. Executors Ralph Dutton and William Almer, esquires, overseers. Proved at Chester September 11, 1574. Inventory cc iij. xii. iii.

Inventory of John Dutton of the New Manor. 'Praysed by 6 honest men.'
Value cc iiix. xvii. iii. Dated May 12, 1593. No will.

Will of Rowland Dutton, of Hatton, esq.

In the Name of God Amen I Rowland Dutton of Hatton in the Countie of Chester Esquier, being (thanks be to god) in good health and pfecte memorie do ordaine and make this my last Will and Testament in manner and form following revoking hereby all former my Wills legacies and bequests whatsover Therefore I doe nowe firste bequeath my Soule to Almightie God mine onely Maker and Redeemer trusting onelie by his promise death and passion to be saved and to inherit the Kingdome of Heaven and my bodie to be buried in Wav'rton Church near where my Father and Mother were buried in comlie and decent sorte according to discrecon of mine executors hereafter named without pompe or vaine glorie And as touching the disposicon of all my lands and hereditaments my will and desire ys that the same maie remaine be descend and goe to my sonne Edward Dutton according to such limitacon forme charges degree use and entents as ys in true meaning written p^{r}scribed assured and layde down in a paier of Indentures made betwixt me the said Rowland Dutton of the one pte and Hughe Caulveley of the Ley Esquire Brian Leighe Knighte Rondall Maynwaringe Esquire and Hughe Starkey Gentleman of the other pte bearing date the xx daie of Januarie in the three and forteth yeare of o^{r} late Sov^{r}aigne Ladie Queen Elizabeth concerning a marriage to be had betwixt Edwarde Dutton my sonne and heire and Marie Caulveley daughter of Hughe Caulveley of the Ley Esquire where by the same Indenture and all assuraunce that hath ben executed and acknowledged for corroboracon of the landes uses charges limitacons conveyances and authorities are ment and intended and is thereby and therein graunted agreed and limitted that my said sonne and heire Edwarde Dutton and the heires male of his body upon the body of the said Marie his now wife lawfully begotten shall content and paie or cause . . .* be paide to everie of my nowe daughters w^{ch} shall be living at the tyme of my decease and not married suche some or somes of money towards their p^{r}ferment of their sev^{r}all marriages as I the said Rowland Dutton . . .* my last Will & Testament or by any other wryting under my hande & seale shall limitt and appoint soe as the same doe not surmount the some of foure hundred poundes apeece to eche and every of my said daughters and so as the said sev^{r}all somes be appointed to be paide after the rate of a hundred poundes a yeare to eche and everie of my said daughters viz to everie of them a hundred poundes every yeare till her porcōn not exceeding foure hundred poundes be paide and at such daies and tymes as I the said Rowland Dutton shall . . .* Nowe I the said Rowland Dutton in and for the p^{r}ferment of my said daughters being sixe in nomber and eche unmarried and by vertue of the limittacon agreement authority and power to me given and intended and for the consideracon aforesaid doe hereby devise

* Original defaced.

limitt grant and appoint that my said sonne Edwarde Dutton upon my blessing and as he will aunsweare before God at the gen'all daie of judgem^{t} for not doing paying and p'forming shall content and paie or cause to be paide to evry of my six daughters w^{ch} are all nowe unmarried and w^{ch} shall not be married untill after my death to each and every of them the some of foure hundred pounds apeece towards their sevall p'ferments to marriages the same sevall somes to each and evry of them so unmarried yearlie by a hundred poundes a yeare and that hundred pounds haulf yearlie by fiftie pounds evry half yeare untill everie of the saide foure hundred poundes be paid to eche of them my said daughters so unmarried the first payment to begin at the next half yeare after the marriage of my said daughter and daughters that shall so marrie after my decease which I doe intend explane and limitt to be the full intent and meaning of the said agreement in the said Indenture and not otherwise And doe devise and my meaning ys by these pn'ts that yt shall be so p'formed and not otherwise enlarged or abridged and that my said sonne Edwarde doe also till my said six daughters be married after my decease (as aforesaid) paie to eche of them the some of ten poundes yearlie viz eche half yeare five poundes to evry of my said daughters so longe as they be unmarried to mayntaine them and every of them sole women and after their sev'all marriages such their sev^{r}all annuities to cease w^{ch} I doe devise hereby and limitt and explaine to be the entent of the said Indenture of Marriage And in lyke sorte upo^{n} my blessing to paie yearlie to my sonne George Dutton that annuitie of thirtein pounds six shillinges eight pence in suche forme and daies w^{ch} by the said Indenture to him y^{s} limitted and appointed and also not to molest or hinder or impeach or bringe in question such lease which I have made or shall make to my said sonne George of a tem'te and landes for terme of his lyfe as I am enabled limitted agreed upo^{n} and lycensed by the said Indenture of Marriage so to doe w^{ch} hereby is also mine intent devise request and explanacon of the said Indenture and of this my last Will And as touching the disposicon of all my leases goods debts and chattells as well moveable as unmoveable I doe first devise to my said son Edwarde all the glasse in the windowes and wainscott about my walles & benches in my mansion house at Hatton because I wishe not the said house to be defaced and all my furniture in my stables and oxehouses not to be altered and my tables in my hall and buttrie and boardes in my kitchin & dey houses and all brewing vessells and the great bed* and bedding therein and boardes in the great chamber over the great p'lor and my best basen and ewer of silver and my twelve appostle spoones and my twoe great silver salts and six oxen with theire plowe and furniture for one teame and ten milche kyne and three silver boules and such oth^{r} needful furniture made of wood brasse iron and pewter as my executors or any twoe of them shall please to bestowe & give to him my said sonne Edward for his better beginning and settling the said house Nevertheless upon this condicon that my said executors shall not deliver anie pte of the p^{r}mis^{s}es by me thus devised or they to deliver anie thinge or my said legacies or other utensells by their discrecon to my said sonne Edwarde Dutton before such time he my said sonne Edward Dutton doe enter bonde in twoe thousand pounds unto my said executors with condicon endorsed truely and faithfully according to my true intente of this my laste Will and of the said Indenture of marriage afore recyted pforme accomplishe and paie everie such

* This appears to be the bed described and valued in the inventory at £26 13s. 4d.

some or somes of money aforesaid as above by this my last Will ys limitted declared or devised and wthh one his pte y^{e} to be done and accomplishe accordinge to my true entent & meaning and of the said Indenture without molesta'con deniall suite in lawe or brabling otherwyse if my said sonne Edwarde Dutton shall not enter into such bonde to such effecte aforesaid and thereby satisfie my desire and opinion that this my Will and the declaration of the uses speaches and provisoes in the said Indenture shalbe faythfully pformed that then my full will & entent hereby is that all my bequests devise and legacie and power to my said executors to dispose and give to him the said Edwarde Dutton as afore shall be utterlie voide and that he shall have no benefit or proffit by this my Will nor of anie the p^{r}mises but that then all my said goods to the uttermost be and my will ys shal be imployed to pforme the residue hereafter of this my last Will and Testament And whereas over and above the p^{r}misses and legacies devised to my said son Edward Dutton the daie of the date hereof I doe suppose my estate in goods and debts cattells and chattells to be worthe and valued at thirtein hundred pounds over and above my debts paide w^{ch}h my will and devise and desire ys hereby that my executors doe bestowe disburse and deliver thereof first in charges of my buriall and blacks to be disposed by their discrecons the some of two hundred poundes and to evrie of my daughters that shal be unmarried at the tyme of my decease one hundred poundes apeece I saie one C^{li} apeece to be paide w^{t}hin sixe monthes after everie of their said marriages and if anie be married in my lifetyme then for a remembrance to soe manie as be married in my life five poundes apeece and to my sonne George Dutton twentie pounds and to everie of my servannts that hath wages men or women a whole years wages besydes their wages that then maie happen to be due to him and to everie of my three bretheren five poundes apeece for a remembrance and to my twoe sisters and to my brother Starkey and my cossen Hughe his sonne & to my cosen Hayward Towneshend & Warren Towneshend my twoe lawiers to be counsell to see this my Will pformed and to my daughter in lawe Marie Dutton and to my loving good cosen John Dutton of Dutton Esq^{re} and his sonne my cosen Thomas Dutton and to my brother Hughe Caulveley and his sonne George & to my three bretheren in laws Edward Reynolds and Charles Scriven having before noe legacy bequeathed to everie of them a ringe of goulde xl^{s} price or fortie shillings at their pleasure and to the rep'rcon of the Churche of Wav^{r}ton five poundes and to my loving uncle Henry Towneshend Vice Chamberlaine of Chester my best horse or gelding with their furniture at his choise And my will ys that my heire and executors doe keep my household togethe in Hatton at their costes and charges till I be buried and one weeke after and that my said sonne shall pmitt my executors to in're all corne and grayne growing or in my barnes at Hatton and suffer my executors wthout haste or waste to thrashe yt out and spend my fodder and grasse for my cattle till they maie be conveniently conveyed awaie and soe my hay and corne in the barne with egrsse and re'grsse and that upon my blessing without disturbance and that my said sonne will diett and lodge my executors theire men and theire horses soe often as they come and repaire to my house at Hatton to execute and pforme this my Will in all loving sorte I doe alsoe give as a poore remembrance to Justice Lewkenor Justice of Chester my goode frende a ringe of fortie shillings and soe to my cosen (Blank) And the residue of my goods debts and chattells if anie shall be

or remaine my will y^{s} the overplus shal be bestowed amongst my daughters unpreferred or not married by the discrecon of my executors or anie twoe of them and to pay yearlie unto James Poynton my servant during his life the some of three poundes six shillinges and eightpence and the same quarterly And my will further y^{s} that in consideracon I have ben a kynde father unto my sonne Edward Dutton that he by noe meanes directly or indirectly upon my blessing offer to impeche or trowble any my tenants or anie other whatsoever that doth enioy anie my landes but that evry p'son shall enjoy out theire leases w^{ch} my father & I have made or any of us according to the tenure of the same And this I saie againe upon my blessing And of this my last Will and Testament do constitute ordaine & make my wel beloved saide uncle Henry Towneshend and my loving brother Hughe Dutton and (Blank) my executors praying them to doe theire beste endevours accordinge to my trust reposed in them to see this my last Will and Testament p'formed as neare as they can possiblie And the said S^{r} Richard Lewkenor Knight and my cosen Thomas Dutton and my brother John Starkey and Hughe Starkey his sonne Esquires overseers of this my Will praying them from tyme to tyme up^{on} my executors request to be ayding assisting and advising of them to see that this my said Will be pformed as I especially trust them In witnes whereof to this my last Will and Testament I have subscribed my name to ev^{ie} leaf contayinge five leaves and put to my seal of armes yeoven this twelfth of Maie a thowsand sixe hundred and foure in the seconde yeare of o^{r} Sov^{r}aigne Lorde King James of Englande Fraunce and Ireland and of Scotland the seventh and thirteth

Proved in the Consistory Court of the Bishop of Chester the 30th August 1605. (From a copy furnished by the Probate Registry at Chester.)

A true Inventory of all the goods cattles and chattells of Rowland Dutton late of Hatton in the Countie of Chester Esquier deceased valued and prised the xviii daie of March in the second yeare of the raigne of o^{r} Sovraigne Lorde James by the Grace of God of Englande Fraunce and Ireland King Defend^{r} of the (Blank) and the xxxviiith of Scotland (1604-5) by Robert Hampston Peter Cotgreave Willm Nicholl and Peter Tilston Yomen as followeth:

Imprimis One standing joyned bed with a tester of greine and yallowe velvett five curtaines of blewe and yallowe saye one feather bedd with a flockbedd under yt a matt a coverlett foure whyte blancketts a large boulster twoe pillowes wth pillow beires and a whiel bed under the same without eith^{r} bedclothes or furniture ... ... vii^{li}

Item a highe cheire with a quishion imbrothered twoe andirons a pare of tongues a fier shovell a paire of bellowes a little cupboard with a carpett a pewter washing bason a little greine buffer stoole imbrothered aunswerable to the quishion a little table in the privie wth a frame one stoole and one Sitting wheile xlii^{s}

Item a standing bed with a tester of russett and blewe a feather bed with matt a tique boulster a white blanckett two coveringes a chamberpott and hanging painted clothes	iiii^{li}		
Item a standing bed wth a tester of blewe and russett five hanging curtaines to the same blewe and yallowe a feather bed a matt and a tick boulster a ladder a coverlett a chamberpott and a cheire with painted clothes	iiii^{li}		
Item one great standing bed wth a tester of arras and three large stained worke curtains a large featherbed a wolbed a matt twoe coverings of arras a blanckett a boulster and twoe pillowes ...	xxvi^{li}	xiii^{s}	iv^{d}
Item a wheile-bed with a silken canopie a featherbed upon the same wth a matt a large boulster twoe pillowes three white blancketts and a covering of arras	vi^{li}	x^{s}	
Item a rounde cipres table with a covering		xx^{s}	
Item a faie^{r} withe cipres cheste* graven wth an auncient blagge and a coate of silke in the same wth Scutchins of the Armes of Hatton on it both before and behinde	iii^{li}	vi^{s}	viii^{d}
Item one large cheire one buffon stoole covered wth blewe velvett & twoe chamberpotts		vi^{s}	viii^{d}
Item one large joyned forme a paier of andirons a fier shovell a paire of tongues		ix^{s}	
Item one faie^{r} weighing standinge bed wth five silke curtaines of double sarcanett	iiii^{li}	x^{s}	
Item a featherbed and a flockbed a boulster and twoe pillowes twoe blancketts & a faier covering of arras	vi^{li}	x^{s}	
Item a wheilebed coarded wth a feather bed on it and an Irish fleese under yt a boulster two blancketts and a coverlett	iii^{li}	xiii^{s}	iv^{d}
Item a drawing table with a carpett a large cheire a chamberpott a stoolle of woode twoe andirons and a pare of tongues ...	x^{li}		
Item a large coffer bounde wth iron & seven iron curtaine roddes ...		xv^{s}	
Item one wainscott standing bed a feather bed a matt three white blancketts a covering five greine curtaines a boulster and two pillowes	vi^{li}	xiii^{s}	iiii^{d}
Item a wheile bed a featherbed and a matt a boulster and a pillowe with a blankett and a coverlett	iii^{li}		
Item one large presse of waynscott three heights a cupboard wth a locke and a cover cloth		xl^{s}	
Item twoe coffers		xii^{s}	
Item a little drawing curtaine for a windowe a pistole flaxe (? flask) and tutchboxe a bill a chiere a pare of bellowes a pare of andirons & a chamberpott		vi^{s}	

* 'In these times, too, chests of cypress and cedar wood filled with cloths of gold and silver, rich velvet hangings and embroidered tapestries were to be found in large mansions.'—'Domestic Life in England,' Lond., 1835, p. 121.

Item Limlecke a trumpet a dosse stoole covered wth leather a pestell a morter of wood and a cage of wire for a Nightingale ...			xviii^{s}
Item one longe table wth a carpett ten quishions a shorte table wth a grene carpett and a forme		iiii^{li}	
Item a cupboarde wth twoe locks and a drawe and greine carpett wrought about the edges and fringed			xx^{s}
Item ten pictures			xx^{s}
Item a cheire a paire of Virginlls* a little deske twoe mappes a little rounde picture a little buffett stoole a paire of andirons a pair of tongues a fier shovell a brasen morter a gridiron a broken glasse bottell covered wth leather a chafer and a tosting iron ...			xliii^{s}
Item twoe iron bounde chestes a standinge bed of wainescott wth five curtaines of greine saie a featherbed a flockbed a matt a boulster two pillowes three blanketts and a covering of arras ...		x^{li}	x^{s}
Item a wheilebed a featherbed a matt three white blanketts a boulster and a coverlett		iiii^{li}	
Item a silke canapie of Candishe stuffe a standing bedsted twoe featherbeds a matt a boulster twoe pillowes three blanketts and a irish cadouse		x^{li}	x^{s}
Item a presse and a large cupboarde with a folding table a great coffer a cipres cheste a longe settle a closse cheire a buffett stoole a forme a presse and three little chestes one caskett bounde wth iron a great trunke a little truncke and twoe ioyned stooles	iiii^{li}	viii^{s}	iiii^{d}
Item a cupboarde a cradle and a chamberpott		vii^{s}	
Item a paire of andirons a paire of bellowes a fier shovell a paire of tongues a morter of brasse and an iron pestell		xi^{s}	
Item twoe windowe curtaines of blewe and white a black silke damaske gowne garded wth velvet & sett with bugles a faier large carpett of turkie worke the grounde of goate haier a cradle cloth of crimson taffaty with goulde lace a crimson silke damaske case for a window quishion a biggen and a boude imbrothered wth goulde twoe carpetts for cupboards and a linnen cloth for a cupboarde	xxxii^{li}		
Item a cowple of frenche goodes		xxx^{s}	
Item foure longe windowe quishions of velvet & neidle worke ...	iiii^{li}		
Item three kirtles of velvet of satten and Taffatie	iiii^{li}		
Item five neidlework quishions	iii^{li}		
Item one greine cupboarde clothe wrought about wth neidle work ...		xx^{s}	
Item twelve large quishions of tapestrie	iii^{li}		
Item five other quishions imbrothered wth silke...		xx^{s}	
Item a square greine carpett of carsie and five bed curtaines of silke wetshod and yallowe & five curtaynes of saie	iiii^{li}		

* Virginals—a musical instrument.

Item a washing bason a paier of snuffers with a p'fuming pan ...		vii^{s}	
Item a bedsted a featherbed a matt a boulster twoe pillowes twoe blanketts and twoe coverletts	iiii^{li}		
Item a little standing bed a feather bed a matt a bolster two pillowes two white blanketts and a coverlett wth hangings about the chamber	iii^{li}	xvi^{s}	
Item one forme a cheire a quishion a little table wth a carpett a buffett stoole a cage for a nightingale a paire of bellowes an and-iron and a fier shovell		x^{s}	
Item one bedsted a featherbed a boulster a coverlett and a covering and a table		xxvi^{s}	viii^{d}
Item twoe bedsteds one featherbed one matt and one boulster and twoe coverlettes	iii^{li}	vi^{s}	viii^{d}
Item one standing bed one featherbed two boulsters one blanckett and a coverlett of tapestry		xlvi^{s}	viii^{d}
Item one other lowe bed with a coverlett of tapestry one coffer a forme a stoole a longe cheire a boarde and a skellett... ...		xviii^{s}	
Item a Launchauke a bedsted and a matt	iii^{li}	x^{s}	
Item a bedsted a fetherbed and a matt twoe boulsters three blanketts and a coverlett an iron bound cheste a cheire a nightingale cage and two paie^{r} of flaxe and tutchboxes		lvi^{s}	viii^{d}
Item three bedsteads three featherbeds three boulsters three blanketts three coverletts and a cadowe one ironbound coffer one longe coffer a cupboard twoe sittinge wheiles three standing wheiles two basketts for clothes and an iron grate	vi^{li}	xvi^{s}	
Item one bedsted a featherbed a flockbed twoe boulsters twoe blanketts and two coverletts		lv^{s}	
Item a mattres one sheete a boulster a blankett and a coverlett ...		ix^{s}	
Item a feath^{r}bed a flockbed a boulster twoe coverletts a blankett a bedsted an oulde cheste for provinder and		xl^{s}	
Item twoe bedsteds two flockbeds twoe boulsters three blanketts and three coverletts		xxx^{s}	
Item twoe bedsteds two flockbeds three boulsters a blankett and three coverletts		xxiii^{s}	
Item a featherbed and a boulster		xl^{s}	
Item one longe drawing table of wallnuttrie	iii^{li}	vi^{s}	viii^{d}
Item twoe chieres of walnuttrie		xx^{s}	
Item xxiiii^{tie} ioyned stooles		xl^{s}	
Item twoe little square tables...		xxiiii^{s}	
Item twoe longe tables		xv^{s}	iiii^{d}
Item twoe paire of playing tables		xiii^{s}	iiii^{d}
Item a longe forme and twoe shorte formes		vi^{s}	
Item eight bookes		xxvi^{s}	viii^{d}
Item one large Saine and a grate of iron		iiii^{s}	

Item one flock bed a boulster a blanckett and twoe coverletts ...		xvi^{s}	
Item two chestes a fielde bed wth a case a pair of great andirons a paire of golbrts twoe paire of pott hooks a still three barrells and skimmer a great wooden bottell		xlvii^{s}	
Item xii pykes		xxx^{s}	
Item xxviii^{li} flitches of bacon	viii^{li}		
Item eighte pottes and posnetts	v^{li}		
Item a boyler covered with lead		xx^{s}	
Item a brasen morter and a pestell five knyves and clivers twoe axes fyve dreeping pannes a paire of rackes and a brass chafer ...		xliii^{s}	
Item three chafing dishes a grater a bottle for vinegar a salte boxe five iron pottrackes three paire of potthookes an iron barre three stoopes of iron a frying pan and a gridiron		xxiii^{s}	
Item a fier forke a fleshehook a brasen ladle a Skimm^{r} five dresser boardes and shelves a paire of tongues a fier shovell and two little pannes		xv^{s}	
Item ten broaches		xxv^{s}	
Item pewter	viii^{ii}	xii^{s}	
Item twoe boylinge leades of brasse and lead w^{t}h a cover... ...	iii^{li}	vi^{s}	viii^{d}
Item one bruyng combe wth a cover		viii^{s}	iiii^{d}
Item one cooler of wood and leade		xl^{s}	
Item twoe yeiling coombes		xx^{s}	
Item one bigge turnell a clensing sive a booting pype and a kneading troughe		x^{s}	
Item a hoggeshead to keep flower in a barrell a mooding table a booting clothe a cutting knife a scrape seven sackes of haul a sive and a brasse pan		xii^{s}	
Item three turnells a ga'nde mill a grynding troughe a large tubbe twoe eskins a scope and a yeiling boole		xxiii^{s}	iiii^{d}
Item one basen and a ewer p'cell guilte contayning lxxxiiii ounces valued to iiii^{s} viii^{d} the ounce	xix^{l}	vii^{s}	iii^{d}
Item one silver salte w^{t}h a cover all guilte waighing xxxii ounces q^{r}ter at v^{s} the ounce	viii^{li}	xv^{s}	
Item one guilte salte w^{t}hout cover xxii ounces v^{s} the ounce ...	v^{li}	x^{s}	
Item one other guilte salte wth a cover being xxii ounces at v^{s} the ounce	v^{li}	xi^{s}	iii^{d}
Item one bell salte guilte wth a cover waighing v ounces q^{r}ter at v^{s} the ounce		xxvi^{s}	iii^{d}
Item other bell salte waighing xiii ounces q^{r} tear at v^{s} the ounce ...	iii^{li}	v^{s}	
Item one silver wine ewer waighing xxviii ounces iiii^{s} viii the ounce...	vi^{li}	x^{s}	viii^{d}
Item three silver booles xliiii ounces at iiii^{s} viii^{d} the ounce ...	x^{li}	viii^{s}	iiii^{d}
Item twoe shallowe booles xxvii ounces at iiii^{s} viii^{d} the ounce ...	vi^{li}	x^{s}	vi^{d}
Item three other silver bowles xxvii ounces at iiii^{s} viii^{d} the ounce ...	vi^{li}	vi^{s}	
Item five silver tunnes xlix ounces at iiii^{s} viii^{d}	xi^{li}	x^{s}	xi^{d}

Item xxi silver appostle spoones xli ounces at iiii^{s} viii^{d} the ounce ...	ix^{li}	xi^{s}	iiii^{d}
Item five other silver spoones ix ounces q^{r}tear at iiii^{s} viii^{d} the ounce	x^{li}	iii^{s}	ii^{d}
Item a signett of goulde	iiii^{li}		
Item a watche	iii^{li}		
Item twoe Jacks twoe voydier knyves of wood twoe hogsheads one pype in the wine sell^{r} one pype of vargis ten barrells twoe hogsheads and twoe other barrells two binnes one tunning dishe one longe table and ten brasen candlesticks		xlv^{s}	iv^{d}
Items pannells		xl^{s}	
Item sixe stone of feathers		xl^{s}	
Item two brasse pottes		xv^{s}	
Item sixe brasse pannes		xxx^{s}	
Item one oulde little pann			viii^{d}
Item three churnes		iiii^{s}	
Item a brasen skimme^{r} a skellen and a fryinge panne		ii^{s}	
Item three large basons		iii^{s}	iiii^{d}
Item foure earthen pan mugges and three creame steanes ...		iii^{s}	
Item five Eshnis and five cruckes		v^{s}	
Item ten cheesfattes		iii^{s}	iiii^{d}
Item three salting basons		iiii^{s}	
Item a cheese presse		vii^{s}	
Item a brandred			xii^{d}
Item twoe tables			xx^{d}
Item twoe stonds a dishe cratche and twoe cheese ladders ...		ii^{s}	vi^{d}
Item five tubbes for butter and five earthen		x^{s}	
Item eleven shelfes a forme and a bigge settles		iiii^{s}	iiii^{d}
Item a greate saltinge troughe beofstubb twoe souse tubbes one saltinge tubbe and twoe other tubbes the one to skalde hogges in & the other to could bryne in seven shelves and an oatmeale boxe		xxx^{s}	
Item twoe pottes a brasen caldron and a large brasse pan		xxxii^{s}	
Item a busshell of outemeale groates		vi^{s}	viii^{d}
Item a hundred fore score and twoe cheeses	vii^{li}		
Item eleven boards one stoole a saltinge barrell		vi^{s}	viii^{d}
Item one large pan		xxvi^{s}	viii^{d}
Item an iron		vi^{s}	
Item twoe peeces of timber			vi^{d}
Item twoe pawnes of wainscott a glasse lanterne and a cage ...		xi^{s}	
Item an oulde tubbe and a candle trough		iii^{s}	
Item hempe		xx^{s}	

Cattell.

Item xxii draught oxen	lxxxiiii^{li}		
Item stallfed oxen iiii	xxiiii^{li}	x^{s}	

Item kine milche and incalf xlvii	cxv^{li}		
Item nyne steires and three heffers	xxix^{li}	vii^{s}	
Item eleven twoe yeare oulde bullocks and heffers	xvii^{li}	viii^{s}	
Item yeare oulde calves xx^{tie}	xv^{li}	x^{s}	
Item foure bulls	ix^{li}		
Item sheep	xvii^{li}		
Item horses mares and coultes xxii^{tie}	lxii^{li}	iii^{s}	iiii^{d}
Item Swyne and boares xlv Item piggs ... }	xix^{li}		

Implements of Husbandry.

Item nyne chaines and three copsowes...	xviii^{s}	
Item x draughte yokes and three copyokes	xx^{s}	
Item twoe spades three billes twoe matlockes sixe sackes foure couters five muckyeildes one worthing hook three iron kenells three pai'e of lumes two pai'e of washers and twoe hatchetts	xvii^{s}	ix^{d}
Item one axe foure nagers one ginnett one hand sawe one framing sawe six iron wadges one chisell one goarge foure pykeyeilves twoe wainnopes three tyewithes three haulsboares three plowe stears and three hayhookes	xix^{s}	i^{d}
Item foure harrowes eight foote plowes six wheel plowes one sythe twoe muckcarts five plowe freets one pai'e of pinsons one breast wimbole three pai'e of plowe wheiles eight paire of weeding tongues and one pai'e of treasles	lvii^{s}	viii^{d}
Item a paire of newe parings a paire of plowe wheiles plowe tailes & plowe sheathes	xiiii^{s}	iiii^{d}
Item xlii fellies xxxii throck plowebeames and xxii axletries ...	xxvi^{s}	
Item three pai'e of blades and twoe waine	xiii^{s}	
Item planckes boardes and sawed timber in the fat Oxhouse xxxii peeces	l^{s}	
Item in the dogg kennell boardes sparres and sawed plancks xxx ...	x^{s}	
Item a grindlestone...	v^{s}	
Item a chest of wood in the Hackehouse bound with iron ...	ii^{s}	

Corne unthrashed.

Item in wheat lx busshells or thereabouts valued at	xxiiii^{li}	
Item in rye xxiiii busshells or thereabouts	xxiiii^{li}	
Item in barlie cc busshells valued at	xxxvi^{li}	
Item oates xxiii busshells valued at	viii^{li}	
Item pease x busshells valued	xxx^{s}	

Corne & Malte in the Garnell with other things.

Item twoe barrells and hempseed in them	xiii^{s}	iiii^{d}
Item a gable rope spokes a hacksaddle and a pannier	xiis	

Item a fan to windowe corne and twoe windowe sheetes	xi^{s}	viii^{d}
Item fortie busshells of malte	xi^{li}	
Item Rye valued at	xviii^{s}	
Item sixe busshells of wheate	xlviii^{s}	
Item iiii^{tie} busshells of oates	x^{s}	
Item sixe pease hookes	ii^{s}	
Item More xxviii busshells of malte	vii^{li}	
Item wheate growing valued at	lx^{li}	
Item William Rosingreaves lands in Hargreave for 3 yeares ...	lxi^{li}	
Item the tythe of Hatton for this yeare	x^{li}	
Item cogges and konges	xxvi^{s}	viii^{d}
Item a clock and a bell	iii^{li}	
Item foure ladders	x^{s}	
Item twoe	xxx^{s}	
Item hay	v^{li}	
Item a frame at the colepitt		
Item a haier for the kilne twoe wisketts a driffatt & a shovell ...	x^{s}	
Item a newe busshells a hoope three wisketts three Kewing sives and three riddles	iiii^{s}	

Linnens.

Item a pai'e of fustian blancketts	xxxv^{s}	
Item nyne paire of flaxen sheetes	ix^{li}	
Item twoe pai'e of holland sheets	iiii^{li}	
Item sixe paier of holland pillowe beires	iii^{li}	
Item a damaske table clothe a damaske towell and xiiii damaske napkins	x^{li}	
Item foure diaper clothes	viii^{li}	
Item three diap towells	xlv^{s}	
Item one damaske towell	xx^{s}	
Item foure table clothes and three towells of flaxen	iiii^{li}	xiiii^{s}
Item twoe hempen table clothes two hempen towells and a dozen of hempen napkins	xx^{s}	
Item flaxen napkins wrought with laice worke	xxx^{s}	
Item fifteine damaske napkins	xl^{s}	
Item a dozen of holland napkins wrought with blewe silke ...	xxiiii^{s}	
Item xvii flaxen napkins rowde with blewe	xx^{s}	
Item a square table cloths of damaske and a holland cupboarde clothe wrought with white worke	xx^{s}	
Item foure paire of flaxen sheetes	iii^{li}	xii^{s}
Item xxiii paier of reading sheetes	viii^{li}	
Item twoe dozen and three flaxen napkins	xxxiii^{s}	
Item three dozen of rounde napkins	xviii^{s}	
Item a longe flaxen clothe and a diap table clothe	xl^{s}	

Item twoe rounde boarde cloths for the serving men		x^{s}	iiii^{d}
Item twoe diap towells		xx^{s}	
Item three flaxen towells		xxxvi^{s}	
Item five hempen towells		vii^{s}	
Item one diap square table clothe		x^{s}	
Item twoe flaxen square table cloths & twoe hempen table clothes ...		xv^{s}	
Item twoe square diap clothes for plate		viii^{s}	
Item foure paire of pillowe beires		xiii^{s}	iiii^{d}

Poultrie.

Item twoe swannes remayning at Tattenhall wthin Bostock ...		x^{s}	
Item twoe peacocks and nyne hennes		xiii^{s}	iiii^{d}
Item a turkie cocke and eight hennes		xviii^{s}	
Item twentie duckes and three mallards		vii^{s}	
Item one gander & foure geise		x^{s}	
Item boles		xl^{s}	
Item armo^{r} a handgunne that Hollinshead hath and twoe tents w'th furniture	xx^{li}		
Item three thousand of bricks		xxx^{s}	
Item twoe iron bound waynes	v^{li}		
Item one other wayne		xxiii^{s}	iiii^{d}
Item shorte trees & foure cloves		viii^{s}	
Item a rope			xvi^{d}
Item a little carte		ii^{s}	
Item mucke		xl^{s}	
Item chafer and other things in the buckhouse		xiiii^{s}	
Item boardes & pannells in the garden		xx^{s}	
Item a boate & cheyne		xiii^{s}	iiii^{d}
Item two trees in		xv^{s}	
Item corne in Shropshire	viii^{li}		
Item gorse in stackes		xx^{s}	

Debts owing to the Testator

Item owinge to him by M^{r} Hugh Glasier for iiii^{e} timber trees bought by his man Kirkes		lii^{s}	
Item owing now by his said man Kirkes for twoe trees		xii^{s}	
Item owing by my nephew Edward Dutton app'eth by the testators book		xxi^{s}	
Item owing nowe by him in money lent	iiii^{li}		
Item nowe by him for one busshell of barlie		vi^{s}	
Item now by him for a busshell of barley a hoope of wheat and a hoope of malte		xv^{s}	
Item by Rees the Tasker for a stryke of wheate and a bushell of rye		xiiii^{s}	ii^{d}
Item by John Davies for a stryke of wheate		vii^{s}	ii^{d}

Item by M^{r} Edward Scriven	c^{li}	
Item by M^{r} Reginald Scriven	cxl^{li}	
Item by M^{r} David Massie	c^{li}	
Item M^{r} Thomas Dutton	xx^{li}	
Item by M^{r} John Scudamore...	xvii^{li}	
Item by M^{r} Hugh Starkey	xxx^{li}	
Item by the late Queene	xxv^{li}	
Item by the Kinges ma^{tie} that nowe is	xl^{li}	
Item by the p'son of Coddington	xv^{li}	
Item by M^{r} John Savage		xx^{s}
Item by the Ladie Towneshend	xl^{li}	
Item found in the testators close (? clothes) in gould	c^{li}	
Item found more in the said close in odd gould devided amongst my neices	xvii^{li}	x^{s}

Su'ma total mviii^{c}, xxxviii^{li} xii^{s} ii^{d}

Item the decedents app'ell (apparel) disposed to his second sonne and for vanity not valued. Exhibited the 5th April 1608. (From a copy furnished by the Probate Registry at Chester.)

The old house at Hatton has long since disappeared. Ormerod's 'Cheshire' (ii. 794) describes the place as follows:

'The township is situated in a flat country, about six miles from Chester, to the left of the Barnhill road. The hall is environed by a square moat about twenty yards wide, and containing about a statute acre. On the west side of the moat are the remains of five most magnificent oak-trees; they are all of nearly one size; the largest measures 20 feet in girth at the height of a yard from the base, and 26 feet at the base.

'The hall appears to have been quadrangular, but not more than a fourth part is standing, built of timber, wicker-work plastered over, and brick within, and some mixture of stone work towards the moat.

'The drawbridge leads to a lofty gateway, opening with strong folding doors to the court within. The roof of the gateway is composed of massy beams, carved in a good style at the intersections.

'Over the entrance is a figure of St. George and the dragon, over which the family arms have been emblazoned. A little higher up the plaster conceals an immense bay window. The gable with which this part terminates is surrounded with vine-leaves boldly carved. In the centre of the gable are too small windows joining each other, the oak mullions of which terminate in elegant cinquefoil heads; the windows project on two brackets resembling the pendants in a roof of the time of Henry the seventh. It is much to be regretted that this beautiful entrance is so much disfigured by plaster, as to be an unfit subject for the pencil. Over a door in the quadrangle is the date 1597, with the initials of Rowland Dutton and his lady Eleanor Scriven.' The modern editor adds: 'The remains of the hall have given place to a modern farmhouse erected some years ago on their site.'

Only one of the oak trunks was remaining at the time of the present writer's visit in 1900. The moat full of water, with its bridge, is still noticeable. The house stands remote from the highway; and the 'Welsh mountains' appear at the horizon.

John Dutton, of Dutton, Esq., A true and p^rfect Inventorie of all the goods cattalls and chattalls of John Dutton late of Dutton in the Countie of Chester Esquier deceased taken at Dutton aforesaid this seaventh daye of Feabuarie A° D^m 1608(-9) and valued by these p^rsons whose names are here und^r wrytten

Imp^rms Seaven fatt oxen at	xxx^li		
Itm Eighteene draught oxen at	lxx^li		
Itm eight Stewers fouer yere ould	xx^li		
Itm one and twentie kyne and a bull	xlvii^li		
Itm Seaven younge beasts three yere oulde whereof one in great danger	xiii^li		
Itm fifteene tow yeare oulde beasts at	xx^li		
Itm Neene calves at	iiii^li	x^s	
Itm three sheepe at		vi^s	viii^d
Itm xxvi^ti Swyne at	vi^li		
Itm poultrie at		xxvi^s	
Itm horses mares and coultes xxiii^tie at	xl^li		
Itm Barlie unthrashed at	xii^li		
Itm Barlie thrashed and unwindowed	iii^li		
Itm Barlie alreadie windowed at	iiii^li		
Itm Oates unthrashed & unwindowed		l^s	
Itm Oates already windowed	xv^li		
Itm Malt at	vii^li		
Itm one oulde hayer at		vi^s	viii^d
Itm Haye at	viii^li		
Itm Waynes cartes plowes and other husbandrie ware at	xiii^li		
Itm Coales and other fuell	iiii^li		
Itm boards shilves troughes with some other odd timber at ...		x^s	
Itm Sclates at		xx^s	
Itm tables cupboards formes cheares and stoules with a binge for bread	iiii^li		
Itm Trunckes and chests at	iii^li		
Itm Hoppes at		xx^s	
Itm Toa and yearne at		xx^s	
Itm tow great carpetts and quishens		l^s	
Itm tow table cloathes one of them for a square table one towell and tow dozen of table napkins all of diap	iiii^li		
Itm other Lynnens at	xi^li	x^s	
Itm three paire of tables		iii^s	
Itm one feather bedd ticke unfylde		xv^s	
Itm feather bedds boulsters and pillowes at	xxiiii^li		

Itm Other course beddinge at		l^{s}	
Itm Cov'ings Cadowes Blanketts and Cov'letts	xii^{li}		
Itm tallowee and candles		v^{s}	
Itm bedstocke and bedsteeds	v^{li}	x^{s}	
Itm in silv^{r} plate	xlv^{li}		
Itm in pewter	viii^{li}		
Itm in brasse	xii^{li}	x^{s}	
Itm Iron spitts racks grates and all other ironware within the house ...	iii^{li}	x^{s}	
Itm Canapies vallances and curtens with iron rodds	iii^{li}		
Itm wine and beire	v^{li}		
Itm cowprie ware	v^{li}		
Itm Salt eales		xl^{s}	
Itm a Byble		vi^{s}	
Itm ten flitches of bacon & brawne	iii^{li}	vi^{s}	viii^{d}
Itm Butter and cheese	iii^{li}	vi^{s}	viii^{d}
Itm Earthen potts and glasses		v^{s}	
Itm iiii leathren jacks		v^{s}	
Itm iron ware and other necessarie stuffe at the Tow Milnes ...		xx^{s}	
Itm a field sowed with wheate at	xx^{li}		
Itm a lowme at		ii^{s}	vi^{d}
Itm his appell at	xii^{li}		

Sum ccccviii^{li} ix^{s} ii^{d}

Debts owinge to the said John Dutton deceased as followeth

Imp^{r}mis John Hatton of Dutton Lo^{n}	xxvi^{li}	xiii^{s}	iiii^{d}
Itm George Wilcockson of Leighe	xxx^{li}		
Itm Richard Brocke of Over	v^{li}		
Itm there is owing upo' a privie seale	xxx^{li}		

Suma xci^{li} xiii^{s} iiii^{d}

Suma total 605^{li} 2^{s} 6^{d}

Thomas Partington, William Malbon Thomas Halle Richard Starkie John Rogerson. Exhibited the 21st June 1609. (From a copy furnished by the Probate Registry at Chester.) The above John Dutton died 30 January, 1608-9.

Will of Thomas Dutton, the last of the Duttons of Dutton.

'In the Name of God Amen the nyneteene daie of November in the yeare of o^{r} Lord God after the computacon of the Church of Englande one thousand sixe hundred and fourteene and in the yere of the raigne of o^{r} Sov^{r}aigne Lord James by the Grace of God Kinge of Englande Fraunce and Ireland the twelft and of Scotlande the eight and fourteenth Defende^{r} of the Faith &^{c}. I Thomas Dutton of Dutton in the Countie of Chester Esquier being sicke in bodie but of good and p^{r}fect memorie (thankes be to god

for the same) callinge to minde that nothinge is more Crtaine to man then death and nothing more uncrtaine than the time thereof do make and ordaine this my last Will and Testamt in manr and forme hereafter herein expressed that is to saie first and above all thinges I comende my Soule into the hands of Jesus Christ my alone Saviour and Redeemr assuredlie trustinge by the meritts of his death and passion to obtaine remission of all my sinnes and evrlasting life amongst the Holie Angells and blessed Servants of God And I leave my bodie to be buried in my Chappell at Great Budworth by the discrec'on of Thomasyn now my wife whom I make and ordaine my sole executor hopeing that according to her faithful promise in that behalfe to me made she will in all things accomplyshe and fulfill this my Will accordinge to my true intent and meaninge And as concrninge such goods and chattells wch God of his goodness hath bestowed upon me my will and minde is that they shal be ordered and bestowed in mannr and forme followinge That is that my debts and funrall expenses shal be paid and discharged out of my whole goods And the residue of my goods and chattells then remaininge I will to be divided into three equall ptes One thirde pt whereof I give and bequeathe to the said Thomasyn my wife And one other third pt. I geve and bequeath to my onlie daughter and heire Dame Elianor Gerard wife of Sr Gilbert Gerard Knight of the Honrable Order of the Bath Sonne and heire apparent of Sr Thomas Gerrard Knight Lord Gerard Baron of Gerards Bromley wthin the Countie of Staff beseechinge God to bless my said sonne and daughter that they maie leade their lives in his feare and true worshippe and be lovinge and kind one towards the other as Gods children ought to be wch will be more to their content in this world then all the possessions and riches they shall injoy And out of the third and last part of my said goods and chattells my will and mind is that these legacies gyfts and bequesths hereafter herein expressed and menc'oned to be geven devised and bequeathed by me shall by my said executor be fullie satisfied paid and delivered in kinde as I geve or bequeath the same or else full satisfacc'on and content geven and made respectivelie to the sevrall legataries to whom I doe bequeath the same First I geve and bequeath to the said Sr Gilbert Gerard all my Armor and munition for Warre my best horse Hudardes sworde and twentie and five pounds in gold Item I geve and bequeath to Dutton Gerarde my grandchilde my best bason and ewer and one hundred poundes in money And if he happen to decease before he shall accomplishe one and twentie years of age then to my said daughters next heire and I geve to his nurse five pounds Item I give to Elianor Birkenhead twentie pounds and to her mother and the rest of her children fiftie poundes both wch said legacies of xxli and lli I will shall be imployed by my said wife for the good of the said Elinor Birkenhead and her said mother and the rest of her children in such sorte and mannr as shall best please my said wife And not to be paid unto them or anie of them untill my wife shall thinke fittinge Item I geve and bequeath to my sister Anne twentie poundes Item I give and bequeath to Anne Leighe and Dorothie Gerrard either of them ten poundes a peece and to Mr Bell and John peddr my sonnes servants either of them one unite in gold To Thurstane Starclif five poundes and to Joseph my daughters servant one unite in gold Item I geve and bequeath to Ellen Bradshawe my wives chambermaide five poundes to Jane Gandie sixe and twentie shillinges and eight pence And to Jone Ridgwaie Jane Thomasson and Mrgaret Smith evrie of them one yeares wages Item I

geve and bequeathe to my servants Richard Radcliffe Robert Frodsham Thomas Rossendale and Henrie Sare evrie of them twentie pounds apeece Item I geve to Thomas Rossendales wife fortie shillings and to Richard Jackson my cooke ten poundes Item my will and pleasure is And I doe intreate my said wife my sonne and daughter to assure unto Hughe Hulme dureing his na'rall life twentie sixe shillings eight pence of lawfull Englishe money yerelie to be receaved by him at the feaste of the nat^ie^ of S^t^ John Baptist and S^t^ Martin the Bushoppe in Winter by even porcons the first payment thereof to be had and made at such of the said feasts as shall first and next happen after my decease And I doe further entreat that the said Hughe Hulme shall dureinge his life be employed and have meate drinke and lodginge in such sort as now he hath at my house at Dutton and in this respect that he maie receive the said an'uitie and be imployed and kept I forbeare to geve him anie legacie in money And I also intreate that Dicke Sale maie be kept and maintained by my said wife my sonne and daughter in convenient sort duringe his life Item I geve and bequeath to Robin Bolton five pounds w^ch^ I will shall be imployed for his good by the discrec'on of George Freere my servant to the w^ch^ George I geve and bequeath twentie nobles And I also geve and bequeath to Thomas Freere Richard Locker Hughe Stringer Richard Massie Christopher Gorst and Thomas Rider my servants in husbandrie evrie one of them a yeares wages Item I geve and bequeath to John Rutter Thomas Greene Richard Cooke my coachman and Peter Pile evrie one of them twentie nobles apeece And I geve and bequeath to Hughe Eaton five pounds to George Gaudie five m'kes To Thomas Sare foure m'kes and to Richard Cooke my fisher fortie shillings Item I give and bequeath to M^r^garet Thomlinson foure poundes and to Alice Deinteith twentie shillinges for their paines taken with me in my sickness Item I geve to my keeper Henrie Bolton five m'kes and to his . . .* Will^m^ Bolton fortie shillings Item I geve to my Millners John Saint and Laurence Hulme either of them fortie shillings Item I geve towards the repac'on of Great Budworth Church ten poundes and to the . . .* that p'ishe ten poundes both the last menc'oned legacies to be imployed by the discrec'on of the now Vicar there Item I geve to Robert Laurenson and his now wife five m'kes Item I geve to John Basenet . . .* And my will is that John Smith of Appesford paying to my said wife twentie nobles and yearlie gathering the rents for those groundes I yet hold from S^r^ George Booth Knight and Barronett shall . . .* yearlie to his owne use the ou'plus of the rent ou' dischargeinge the said S^r^ George Item I geve to Thomas Browne my servant five pounds and to John Pendleburie Thomas Tillston and Thomas Leighe . . .* shillinges a peece And my will is that Thomas Dutton of Wev'ham shall have yearlie paid to him duringe his na'rall life twentie shillings of lawful Englyshe money at the feast of the na^tie^ of S^t^ John Baptist and S^t^ Martin the Bushoppe in Winter by even porc'ons the first payment thereof to be had and made at such of the said feasts as shall first and next happen after my decease Item I geve to Thomas Mason my servant fortie shillinges and to my bayliffes John Millington John Rider Hughe Kellsall Randle Birchenhead and Robert Smith evrie one of them twentie shillings a peece Item I give to evrie one of my Unckle Holfords children five poundes apeece And to Phillippe Millington

* Original defaced

xx^{s} And to Rob^{t} Dutton and Rob^{t} Tailor either of them five poundes Item I bequeath to my Lord Gerard S^{r} George Booth S^{r} John Savage Knight and Barronette S^{r} Peter Leighe my cosen George Calveley my cosen Dutton of Hatton my cosen Dutton of Chester my unckle Holford my aunt Holford my cosen George Bostocke my cosen Bruen Doctor Bate my cosen Christopher Anderton my cosen Willm Anderton of Anderton and to evrie of them one unite in gold to make evrie of them sev'allie one gold ringe or one gold ringe apeece to be made by my wives pcurement of that value at her discrec'on And I likewise geve and bequeath to my godchildren Thomas Booth Thomas Dutton . . .* Harecourt and Anne Egerton evrie of them one unite in gold And to Thomas Doctor Bat's man x^{s} Item I geve and bequeath to George Starkie John Farro' Richard Robinson Richard Heath and to evrie other w^{ch} now were my liverie and whom I have not heretofore p^{r}ferred neither in this Will given anie legacie unto evrie one of them x^{s} a peece in token of my love unto them And my will and minde is that Mathewe Browne my servant shall have yearlie duringe his life after my decease one anuitie of ten poundes by the yeare And John Thomasson a lease for three lives of the messuage and tenement in Happesford now in his and his grandmothers occupac'on or their or one of their assignes w^{t}hout fine onelie reservinge the auncient rents and servic's accordinge to the true intent of one lease heretofore by me made to the said S^{r} George Booth of my messuags lands tenements and hereditaments in Christleton Littleton al's Little Christleton Handbridge Claverton and Wav^{r}ton juxt^{r} Hatton and in evrie or anie of them And I have also allreadie p^{r}ferred some other of my servants and for that cause geve them noe legacies herein And for such of my servants whom I have not heretofore p^{r}ferred neither by this my last Will and Testament geven anie legacies unto in respect I cannot call them all to remembrance I intreat my said wife to be mindeful of them and accordinge to their service heretofore done unto me to geve them something in token of my love towards them And that this my Will maie stande for firme and goode I renounce and revoke all former Wills by me made and publishe this for my last Will and Testament and thereunto affixe my seale and subscribed my name in the p^{r}sence of the p'sons whose names are here indorsed and the rest and residue of all my goods and chattels I geve and bequeath to my said wife. Tho Dutton. Sealed subscribed and published for the last Will of the said Thomas Dutton in the presence of Rich Radclyffe, Math. Browne, Rich Bancrofte, Henrie Sare, Tho Rossendale. Memorandm that after the sealing subscribing and publishing of this present testament the said Thomas Dutton did (in the presence of the psons abovenamed for witnesses) geve and bequeath to a childe of M^{r} Partingtons to whom he was godfather fortie shillings And to three of his fathers base children (wherew^{t}hall he made his said wife whom he named executrix acquainted) twentie pounds to be equallie devided amongst them.

'Proved in the Consistory Court of Chester in the year 1614.' (From a copy furnished by the Probate Registry at Chester.)

* Original defaced.

List of Dutton Wills &c. proved at Chester.

1545-1620

Edward Dutton of Chester, alderman	1617
Edward Dutton of Chester, alderman	Inventory 1619
Fowke Dutton of Chester, draper	1558
John Dutton of Dutton	1601
John Dutton of Dutton, esq.	Inventory 1609
John Dutton of Holt, co. Denbigh	1574
John Dutton of Kingsley	Inventory 1610
John Dutton of the New Manor	1593
John Dutton of Peckforton	1615
Joyce Dutton of Durnall, widow	1598
Peter Dutton of Aldford	Inventory 1603
Richard Dutton, clerk	1609
Richard Dutton of Moore	1619
Robert Dutton of Latchford	1619
Robert Dutton of Waverton	1606
Robert Dutton of Waverton	Inventory 1610
Rowland Dutton of Hatton, esq.	1605
Rowland Dutton of Hatton	Inventory 1608
Thomas Dutton of Dutton	1614
Thomas Dutton of Tattenhall	1610
Thomas Dutton of Waverton Webster	1591
William Dutton of Aldersey	Inventory 1617
William Dutton of Olton	1602

1621-1650

Dorothy Dutton of Woodhouses widow	1629
Edmund Dutton of Widnes yeoman	Inventory 1649
Edmund Dutton of Widnes yeoman	1650
Edward Dutton of Hatton	Inventory 1621
Hugh Dutton of Wavertree	1623
Hugh Dutton of Woodhouses	1627
Jane Dutton of Wrexham	Inventory 1636
John Dutton of Acton	1633
John Dutton of Great Budworth, mercer	1621
John Dutton of Handley	1638
John Dutton of Sutton	Inventory 1646
Margaret Dutton	Administration 1647
Margaret Dutton of Wych Malbank, widow	1630
Mary Dutton of Crewe Green, widow	1634

Randle Dutton of Wych Malbank	...	...	...	...	1630
Thomas Dutton of Alpraham, yeoman	...	...	...	...	1647
Thomas Dutton of Conscough ...	...	...	...	...	1640
Thomas Dutton of Waverton husbandman		...	...	...	1632
William Dutton of Waverton husbandman		...	...	Inventory	1624

1660-1680

Alice Dutton of Tattenhall...	...	...	Administration		1672
Catherine Dutton of Beamheath	...	...	„		1680
Catherine Dutton of Chester ...	...	...	„		1680
Edward Dutton of Manchester	...	...	...	...	1674
Elizabeth Dutton of Hapsford, widow	...	...	...	...	1668
Elizabeth Dutton of Holt ...	...	...	Administration		1674
George Dutton of Newton parish of Tattenhall gent.			...	...	1662
John Dutton of Appleton ...	...	...	Administration		1673
John Dutton of Aston yeoman	...	...	...	Inventory	1660
John Dutton of Cuddington ...	...	...	...	...	1670
John Dutton of Dudden ...	...	...	Administration		1674
John Dutton of Dutton gent. ...	...	...	...	...	1665
John Dutton of Frodsham ...	...	Administration with Inventory			1672
John Dutton of Golborne Bellew	...	...	...	...	1675
John Dutton senr of Preston ...	...	...	...	...	1670
John, Peter and Mary Dutton ...	...	...	...	Tuition	1670
Margaret Dutton of Smallwood, widow ...	...	...	...		1669
Mary Dutton of Overton, widow	...	...	...	...	1660
Peter Dutton of Cuddington ...	...	...	...	...	1670
Peter Dutton of Hatton esq. ...	...	...	...	Inventory	1669
Prudence Dutton of Wimbolds Trafford ...	...	Nuncupative Will			1674
Richard Dutton of Manchester	...	...	...	...	1671
Richard Dutton of Nether Walton yeoman		...	...	...	1667
Richard Dutton of Oscroft ...	...	Administration with Inventory			1678
Richard Dutton of Pemberton ...	...	„	„	„	1673
Richard Dutton of Tattenhall, husbandman		...	...	...	1667
Robert Dutton of Manchester cloth worker		...	...	...	1666
Roger Dutton of Holt ...	...	...	Administration		1675
Thomas Dutton senr of Gt Budworth ...	...	...	...	...	1675
Thomas Dutton of Hatton esq. ...	Administration with Inventory and Accounts				1677
Thomas Dutton of Norton ...	...	...	...	...	1672
Thomas Dutton of parish of St Saviour's Surrey	...	Administration			1672
William Dutton of Gt Budworth	...	Administration with Inventory			1680

Proved in London Interregnum.

Peter Dutton of Chester ...	...	...	1655. Aylett	173

(From Lancashire and Cheshire Record Society. Vols. ii., iv. and xv.)

Dutton royalist paper References.

Richard Dutton, of Keven-y-werne in Denbighshire. Compounded in 1647 as a Royalist, was at Oxford with the King, but never bore arms against the Parliament. Fined at one-tenth, £185 6s. 8d. It was found that the discharge, a receipt for payment of his fine, had been forged, apparently by the solicitor with whom he had deposited it for payment; and he had to pay the amount a second time. There is a series of documents relating to the case in the Royalist Composition Papers (Calendar of Committee for Compounding, iii. 1679). John Dutton of Sherborne was also at Oxford at that time, and is said to have drafted the Articles for the surrender of the city to the Parliament.

William Dutton, of London, compounded as a Royalist in 1649 for adhering to the King's forces, and was fined 10s. (Calendar of Committee for Compounding, iii. 2088).

Rev. — Dutton, Presbyterian Minister of Knighton, co. Leicester, appointed by the Parliament in 1652 (Calendar of Committee for Compounding, i. 576).

Miss Mary Dutton petitioned the committee in 1650 for an annuity of £10 bequeathed to her by John Werden of Chester to be paid from his estate, which was allowed in 1652 (Calendar of Committee for Compounding, ii. 1155).

The name of lieut. William Dutton occurs as receiving £50 from the Parliament between him and Capt. Edward Carey in 1649 (Calendar of Committee for Advance of Money, iii. 1501).

A reference to a captain Dutton in connection with the sequestration of Sir Richard Gurney, bart., as being tenant of a house in Old Jewry in 1645, while his wife was in the country and the captain in service at Plymouth, with an order that the house be restored to Mrs. Dutton (Calendar of Committee for Advance of Money, i. 158). This may have been Captain Richard Dutton knighted at the Restoration, and Governor of Barbados in 1680.

Extracts from the parish registers (commencing in the year 1558) of Great Budworth, Cheshire, relating to the Dutton family.

Baptisms 1558—1610.

1562, April 2. John Dutton eod'm die.
1563, February 12. Thomas Dutton.
1572, May 18. Arthur Dutton ed'm.
„ November 5. Richard Dutton.
1576, April 21. Ellin Dutton.
1576-7, March 14. Robert Dutton.

1577, April 21. Anne Dutton.
1581, August 25. Thomas Dutton.
1594, December 12. Thomas filius Raffe Dutton.
1599-1600, February 12. Ellen filia Willia' Dutton.
1602. Thomas Dutton filius Richardi Dutton de Budworth baptizata fuit vicesimo primo die Octobris an'o p'd.
1604. Gulielmus Dutton filius Gulielmi Dutton de Budworth baptizat' fuit decimo quinto die Junij an'o p'd.
1605, April 22. Ellenn Dutton filia Richardi Dutton de Budworth baptizat fuit xxii° die April an'o p'd.
1608, March 30. Richardus filius Richardi Dutton bapt fuit xxx° die marcij an'o p'd.
1608-9. Margeria filia Willm'i Dutton de Budworth bapt. fuit xxii° die Januarij an'o p'd.

Marriages 1558—1610.

1559, January 21. Richard Dutton and Anne Peyrston.
1559-60, February 20. Peter Dutton and Jane French.
1583-4, January 14. Humfray Fryar and Jone Dutton.
1585, August 1. John Dutton and Ales Worrall.
1591, February 7. Raffe Dutton and Elnor Basenet.
1592, August 24. Richard Meysey and Brigget Dutton.
„ September 12. Peter Geffes and Jane Dutton.
1609, September 16. Gilbert Gerrade sonne of the lord Gerrade and Elenor Dutton daughter of Thomas Dutton Esquire.

Burials 1558—1614.

1560, May 23. Humfray Dutton.
1576, July 24. Anne Dutton.
1578, May 18. Margret Dutton.
1578-9, March 22. Ux Ri'rd Dutton.
1579, September 26. Rodger Dutton.
1580, December 13. Elizabeth Dutton.
1581, October 4. William Dutton.
1582, May 6. Ux John Dutton.
1584, October 30. Ux Peter Dutton.
1585, June 30. A poore child fro' Richard Duttons.
1588, June 9. John Dutton serv.
1590, March 7. Peter Dutton.
1593, December 21. John Dutton de Reed.
1595, April 13. Peter Dutton, Agr.
1597-8, March 5. Ux Richard Dutton.
1599, January 12. Ux Richard Dutton.

1600, December 7. Richard Dutton de lordship old man.

„ June 7. Elyzabeth Lyderlande servant at Rychard Duttones.

1603, November 28. Ellena Dutton uxor Richardi Dutton de Budworth sepult fuit xxviii° die Novembris an'o p'd.

1603, December 3. Gulielmus Dutton de Budworth sepult fuit tertio die Decembris An'o p'd.

1608-9, February 1. Johannes Dutton de Dutton Armig^r sepult fuit primo die februarij an'o p'd.

1609, March 27. Johannes Dutton de Budworth sepult fuit xxvii die Marcĵ An'o p'd.

1614, December 29. M^r Thomas Dutton of Dutton Esquier.

1636, May 25. Francisa uxor Robti' Nedham Armiger de Dutton.

1665, March 16. Elenor, Ladie Kilmorrie and Mrs Katherine Nedham de Dutton.

Abstracts of Dutton inquisitions in the Public record office.

Hugh, son of Hugh de Dutton. Proof of age. Inquisition taken at Chester Tuesday next after the festival of St. Matthew apostle (September 23) 26 Edward I. (1298), before John de Grey, *locum tenens* of Reginald de Grey, justice of Chester, Richard de Massy, in presence of Hugh de Bussey, escheator of Chester, by the oath of Richard de Sandbach and William de Brereton, knts., Alexander de Baunvill, William de Mainwaring, Richard de 'Wlvill,' Ranulph de Acton, Alan de Acton, William de Acton, Ranulph de Berchington, Richard de Anderton, Gilbert 'Dudeson,' and William Lannerlin, jurors. Who say that Hugh, son of Hugh de Dutton, was born at Dutton on the festival of the conception of the blessed Mary (December 8), 5 Edward I. (1276). And on the morrow was baptized in the church of Budworth, so that on December 8 last past he was of the age of 21 years and more. (Chester plea roll, 26 Edward I., memb. 11*d.*)

Thomas de Dutton. Letters of protection. Prince of Wales's letters of protection, dated at Chester, December 16, 33 Edward III. (1359), directed to all bailiffs, ministers, and lieges. The prince having taken his specially beloved Thomas de Dutton into his protection and defence, and who in the prince's retinue is about to go beyond sea, his lands, rents, and possessions are to be protected, and he is to be exempt from all pleas and plaints, except of dower, of which he hath nothing until Easter next ensuing. (Chester plea roll, 32-6 Edward III., memb. 35*d.*)

Sir Peter de Dutton, chevalier. Writ to Adam de Kingsley, escheator of Cheshire, dated at Chester, April 8, 1362, to enquire after the death of sir Peter de Dutton, chevalier. Inquisition taken Friday next before the festival of St. Mark the evangelist, 36 Edward III. (April 22, 1362). By the oath of William le . . . Aston, Thomas Starkey de Stretton, Adam de Moldeworth, John FitzHugh de Merbury, Adam de . . . John Starkey de Stretton, Robert 'ffog,' Richard Sparkes de Norlegh, and Alan de . . . jurors. They find that he died possessed of a seventh part of the lands that were of sir Peter

de Thorneton, chevalier, of Kingsley, Norlegh, Cudyngton, . . . wall, Stoke, and Picton, held of the earl of Chester in chief by knight's service; and . . . (a seventh ?) part of two parts of lands and tenements which were of sir Peter de Thorneton in Helsby by knight's service, Arrowe held of the abbot of Chester by knight's service, and Pulton Launcelyn held of Howel ap Owen Voel by knight's service, which seventh part aforesaid is worth 8 marks per annum. That Lawrence de Dutton is his next heir, and of full age and more. (Inquisition faded and mutilated. Chester inquisitions, 36 Edward III., No. 5.)

Sir Thomas de Dutton, chevalier. Writ to John de Scolehall, escheator for Cheshire, dated at Chester, May 18, 1381, to enquire after the death of sir Thomas de Dutton, chevalier. Inquisition taken at the church of the blessed Mary at Hill, in Chester, Thursday next after the festival of St. Germanus et Felicissimus, 4 Richard II. (May 28, 1381). By the oath of sir William de Caryngton, chevalier, sir William de Legh, chevalier, Geoffrey de Legh, John de Holford, Hugh de Clayton, Robert de . . ., Robert de Mulynton, Robert Daniel de Lyme, William de Bostock, David Pynk, Nicholas de Manley, and Roger de Moldesworth, jurors. They find that he died seized in his demesne as of fee of a seventh part of two parts of a fourth part of the manor of Kingsley, held of the king by knight's service, worth 40s. per annum. Also a seventh part of two parts of land and tenements, which were of sir Peter de Thorneton in Stoke and Arrowe, held of the king in chief by knight's service, worth 26s. 8d. per annum. Also a seventh part of two parts of the township of Onston, held of the king in chief by knight's service, worth 12s. per annum. Also lands in the city of Chester of the king in socage, worth 2s. per annum. And they say that sir Thomas long before his death gave and granted the reversion of the manor of Nesse, in which Joan, wife of sir Hugh de Dutton, knt., mother of said sir Thomas, had a joint estate with said sir Hugh, sometime her husband, to Henry, son of the aforesaid sir Thomas, for term of life; and if said Henry should die in lifetime of said sir Thomas, the reversion of said manor was to Laurence, brother of said Henry, for his life. Said Laurence is now living, and tenant of the said manor, which is held of the king in chief by knight's service, and worth £18 per annum. And that said sir Thomas likewise gave all his other possessions as above to his sons, Laurence and Henry, worth 100 marks per annum. Sir Thomas died the Saturday next before the festival of St. John *ante portam latinam* last past (May 4, 1381), and that sir Laurence de Dutton, chevalier, his son, is next heir, and 24 years of age and more. (Chester inquisitions, 4 Richard II., No. 2.)

Philippa, wife of Thomas de Dutton. Writ to Adam de Kingsley, escheator of Chester, dated at Chester, January 3, 13 Richard II. (1389-90), to hold an inquisition after the death of Philippa, the wife of Thomas de Dutton. Inquisition taken at Thornton, Saturday after the circumcision (January 8, 1389-90). By the oath of William Danyers, John de Mascy de Wymincham, John de Burghes, William de Venables de Thogford, Richard de Eddeslegh, Geoffrey de Westenays, Roger le Beer, Thomas de Venables, William Walens, Ralph de Dutton, Thomas de Bradelegh, jurors. They find that Philippa, at her death, held in dower after the death of sir Peter de Thornton, knt., one third part of all the lands which were of the said Peter in Kingsley, Northleigh,

Codington, Onston, Newton Stoke, Arrowe, and Picton, held of the king, as earl of Chester, by knight's service, excepting a third part in Arrowe, held of the abbot of Chester by service unknown, which lands are worth 20 marks (?), excepting the third part with . . . (Document illegible for some lines.) And if Peter die without heirs male the manor, with the advowson, to come to Elizabeth, as daughter of Peter, and Philippa and her heirs . . . (illegible) to Laurence de Dutton, which Peter died, after whose death Philippa held the manor, with the advowson, and enjoyed the profits until Monday aforesaid, on which day she died, after whose death, and because Peter de Dutton died without heir male, the manor, with the advowson, descended to William . . . son . . . which William is within age and in the king's custody, and held of Thomas de Arden, chevalier, by knight's service, and worth £16. . . .

This inquisition is partly recited in the writ of livery of the lands of Thomas de Beeston (Chester recog. roll 62, 2*d*), but the date of Philippa's death is not given.

Sir Laurence de Dutton, chevalier. Writ (in Norman French), dated at Westminster, May 5, 16 Richard II. (1393), to hold an inquisition after the death of Laurence de Dutton. Inquisition taken at Chester, Thursday, in the fourth week of Lent, 16 Richard II., by the oath of sirs Robert le Grosvenor, Richard de Wynyngton, and John de Pulle, chevaliers, Richard de Manley, Peter de Whiteley, John de Hallu, Nich. de Orell, Robert de Mascy de Hale, John de Stathum, John le Maynwaring, Robert Daniel de Lyme, and John de Clayton, jurors. They find that sir Laurence de Dutton died seized in fee tail of the manor of Weston by Runcorn, which Robert de Dutton gave to Hugh de Dutton and Joan his wife, and from them descended to Thomas as their son and heir, and from Thomas to Laurence as son and heir of Thomas; and said Laurence died without heir, and the manor descended to Peter de Dutton as kinsman and heir, being son of Edmund, brother of Laurence, and is held of John, duke of Lancaster, as of his manor of Halton in chief by knight's service, and is worth £10. And of 4 burgages and 8 acres of land in Hatton, of which three are held of John, duke of Lancaster in chief, in socage as of his manor of Halton, and are of St. John of Jerusalem, and are worth 20s. And of the manor of Nesse by Barterton in Wirrall, Leigh, and Barterton, which William de Frodsham gave by fine to Hugh de Dutton and Joan, descent as before, and held of the king, as earl of Chester in chief, by knight's service, and worth 20 marks. And of the manor of Leigh, held of William, earl of Salisbury in chief, by service, and a rent of 26s. 8d., and worth per annum £20. The manor of Barterton, held of the king, as earl of Chester in chief, by knight's service, and worth £5 per annum. And the manor of Kekwick, which Roger de Budworth, chaplain, gave by fine to Hugh de Dutton for life, so that after his death remainder to Thomas, with descent as before, held of John, duke of Lancaster, as of the manor of Halton in chief by knight's service, and worth £10. And two parts of the manor of Acton in fee simple, which with one third of the same is held of the abbot of Vale Royal, as of his manor of Weaverham in chief, by knight's service, and worth 10 marks. And of 10 messuages, 4 tofts, 60 acres of land, 30 acres of wood, and 3 acres of meadow in Kingsley, held of the king, as earl of Chester in chief, by knight's service, and worth per annum £4. And 6 messuages, 2 tofts, 30 acres of land, and 1 acre of meadow in

Cuddington, held of the king, as above, and worth 26s. 8d. And 1 messuage and 4 acres of land in Norley, also held of the king, and worth 10s. And 4 messuages, 30 acres of land, and 2 acres of meadow in Onston, held of the king, and worth 4 marks. And 4 messuages and 40 acres of land in Newton, held of the king, and worth 2s. 6d. And 2 messuages, 20 acres of land, and 2 acres of meadow in Bradley, held of Radegund Bechet, as of her manor of Frodsham in socage, and a rent of 6s. 8d., and worth 20s. per annum. And 2 messuages and 40 acres of land in Budworth in le frith, held of the king as above, and worth 26s. 8d. And the manor of Hapsford, conjointly with Margaret his wife, who is still living. And 6 messuages and 8 bovates of land in Stony Dunham, which one Richard de Ins, vicar of Tavin, John de Marbury and William Clay, chaplains, gave to Laurence Dutton and Margaret and their heirs male, remainder to Peter de Dutton, remainder to Hugh de Dutton, remainder to right heirs of Laurence for ever, and Laurence died without heir male, remainder after decease of Margaret, still living, to Peter de Dutton, held of Richard, earl of Arundel in chief, by knight's service, and worth £10. And conjointly, as before, of the manor of Little Mouldsworth, held of Hugh, son of Hugh le Trewe, in socage, and worth £4, remainder, as before, after death of Margaret, to Peter de Dutton. And conjointly, as before, 2 messuages, 4 bovates of land, and 4 acres of meadow in Picton, held of the king, and worth 40s., remainder, as before, to Peter de Dutton. And conjointly, as before, 10 messuages, 12 bovates of land, 6 acres of meadow, and 20 acres of turbary in Stoke, held of the king, and worth 10 marks, remainder to Peter de Dutton, as before. And conjointly of 4 parts of 7 parts of the manor of Arrowe, held of the king, and worth 5 marks, remainder to Peter de Dutton. And (in sole right) of the manor of Preston, with 1 burgage and 3 saltpits in Northwich, which Richard de Ins and others, as before, gave to Laurence Dutton, remainders to Hugh de Dutton, Peter de Dutton, and heirs of Hugh, in tail to right heirs of Laurence and Hugh, still living, held of Radegund Bechet in socage, and rent of 8s., and worth £20, and the burgage and saltpits held of John de Holand, earl of Huntingdon, in socage as of his borough of Northwich, and worth 40s.

And Peter de Thornton was seized in fee simple of 2s. rent in Middlewich, and another 2s. rent (gives details of Peter de Thornton's possessions) which descended to Emma, Eleanor, Katherine, Elizabeth, Margery, Matilda, and Agnes, as daughters and heirs of Peter. And from Eleanor descended her portion to Laurence as her son and heir, remainder to Peter, son of Edmund, brother of Laurence. And Laurence acquired from Katherine her share, and also the share of Elizabeth, daughter and heir of Margaret. And Laurence died seized of the advowry of minstrels worth 20d., and held of the king by knight's service. Said sir Laurence de Dutton died on Wednesday next before the purification of the blessed virgin Mary last past (January 29, 1392-3) without heir. And Peter de Dutton is his heir, and 26 years old and more, being son of Edmund de Dutton, brother of sir Laurence de Dutton. (Chester inquisitions, 16 Richard II., 13.)

Dutton park. Writ *Ad quod damnum* to Richard de Manley, escheator of Cheshire, dated at Chester April 4, 11 Henry IV. (1410), to enquire whether it is to the damage of the Crown or others if licence be granted to sir Peter de Dutton, chevalier, to enclose

and impark his wood called Dutton park, and 40 acres of arable land to the same park adjacent, called Pulsay and Pulsay Eghes, within the manor of Dutton without the bounds of the king's forest, and 200 acres of land, meadow and wood, in Acton of his own land which are within the metes and bounds of the king's forest of Delamere, in Cheshire, and make thereof a whole park for himself and his heirs for ever, with all the liberties and franchises to a free park appertaining, and how much such park land is worth yearly. Inquisition taken at Dutton before Richard de Manley, escheator, on the Monday next before the festival of the ascension, 11 Henry IV. (April 28, 1410). By the oath of William le Roten, Richard le Roos, Thomas de Kelsale, Thomas de Warburton de Hatton, Richard Starky de Stretton, Ralph de Hatton, William de Oundon, Thomas Tochet, and John de Mastry de Thelwall, jurors. Who say that it is not to the damage of the lord prince or any other if the aforesaid licence be granted to sir Peter de Dutton, chevalier. The wood called Dutton park and 40 acres of arable land adjacent, called Pulsay and Pulsay Eghes, are held of the abbot of Vale Royal, as of his manor of Weaverham, in socage by payment of one sparrow-hawk annually worth £20 p.a. And the 200 acres of land, etc., in Acton are also held of the same abbot and manor in socage by a rent of 2s. p.a. and suit of court worth £5 p.a. (Chester inquisitions, 11 Henry IV., No. 7.)

Laurence Dutton, son of Ralph de Dutton of Kingsley, co. Chester. Writ to Henry de Ravenscroft, escheator of Cheshire, dated at Chester, January 10, 1419-20, to enquire after the death of Laurence Dutton. Inquisition taken at the church of St. Mary-at-Hill, Chester, on Thursday next after the festival of Epiphany, 7 Henry V. (January 11, 1419-20). By the oath of John de Manley, William de Frodsham, John del Lee de Troghford, William de Onston, David de Hulgreve de Teverton, John de Clayton, Roger le Bruen, James de Pull, John le Mastry de Kelsale, Richard, William le Warde de Horton, and Thomas de Huxley, jurors. They find that he held no lands of the king in chief as earl of Chester. But he was seized in his demesne as of fee of lands and tenements in Acton by Weaverham, Helsby, and Northwich, in right of Elena his wife, daughter and heir of Alan de Acton, which were seized into the king's hands 10 Henry IV. (1408-9) by reason of said Laurence's being outlawed for slaying Richard de Ryxton, worth £3 11s. 4d. per annum. Laurence died Tuesday next after the festival of St. Martin last past, November 14, 1419. (Chester inquisitions, 7 Henry V., No. 2.)

John de Dutton of Dutton. Writ to Nicholas Danyell, mayor of Chester, dated March 5, 1445-6, to enquire after the death of John de Dutton. Inquisition taken at Chester on Monday, the first week of Lent, 24 Henry VI. (March 7, 1445-6), before Nicholas Danyell, mayor, by the oath of Thomas Monkesfeld, John Mynor, Richard Greteby, John Erdeley, John Husband, David Draper, Robert Bruyn Sherman (*sic*), John Spenser Draper, John Sherman, Robert Gill, John Rider Baxt', and John Blakeburye. They find that John de Dutton of Dutton died possessed of the fee of five parts of a vacant piece of land by the castle at Chester with the appurtenances, worth nothing per annum beyond the deductions. Also the fee of a fishery with four boats in the river Dee, called Stall, in the city of Chester, worth 2s. per annum. Also of one garden held

by William Reddeley in the castle of Chester, worth per annum 12d. Also in fee of 6s. 8d. rent from a messuage in the Fleshmonger lane of the city of Chester, called Bartholomew's inn, which John Bromley lately held. Also of 17s. rent from a messuage which John Ball lately held in Northgate street of Chester. Also 8s. rent from a messuage which John Pull holds in Brugge street, in Chester. Also 6s. 8d. rent from a messuage which William Horton holds in the castle of Chester. Also 6s. 8d. rent from a messuage which William Reddeley holds in Brugge street, Chester. Also of a garden which Richard Weston holds in Northgate street, in Chester, worth 6d. per annum. All held of the king as earl of Chester in socage by fealty only. That John de Dutton died the Sunday next after the festival of St. Valentine the martyr last past (February 20, 1445-6), and Thomas de Dutton is his son and heir, aged 24 years and more at the time of the death of John de Dutton. (Chester inquisitions, 24 Henry VI., No. 2.)

Sir Thomas de Dutton, knt. Writ to the escheator of Cheshire (Ralph de Legh), dated at Chester January 10, 1459-60, to enquire after the death of sir Thomas de Dutton. Inquisition taken in the church of the blessed Mary at Chester on Monday in the second week of lent, 38 Henry VI. (March 10, 1459-60). By the oath of Peter Minshull, John Moldeworth, Hugh Davenport de Calley (Calveley), Hugh Multon, William Halghton, John Brexy, Ranulph Wetenhale, Thomas Brexy, Ranulph Cotgreve, Thomas H . . . , Robert Hac'h, Ralph Dod, David Lightfoot, Roger Wetenhale, and John Ternlinson, jurors. They find that he died possessed in his demesne as of fee tail the manor of Barterton and reversion of the manor of Nesse, by virtue of a grant from William de Frodsham by a fine levied at Chester in the time of Edward III., to Hugh de Dutton and Joan his wife. They had issue sir Thomas de Dutton, who died leaving issue Edmund, who died leaving issue sir Peter de Dutton, knt., who had issue John de Dutton, who married Margaret daughter of sir John Savage, knt., now living, and they had issue sir Thomas, the subject of this inquisition. The said manors are held of the prince as earl of Chester by knight's service. Barterton worth £5 per annum and Nesse £10 per annum. Also he was seized of the manor of Weston and 6 acres of land with appurtenances in Clifton by virtue of a feoffment by Robert de Dutton to Hugh de Dutton and Joan his wife, now deceased. And the said sir Thomas of this inquisition was kinsman and heir male of said Hugh and Joan, being the son of John, son of Peter, son of Edmund, son of Thomas, son of said Hugh and Joan. And said manor and 6 acres are held of the king as of his manor of Halton as parcel of his duchy of Lancaster by knight's service. And said manor of Weston and 6 acres in Clifton are worth £10 per annum. Also in fee of 4 burgages and 8 acres of land in Halton held of the king as of his manor of Halton in socage by fealty only, and the fourth burgage is held of the prior of St. John of Jerusalem in England by fealty only, worth 20s. p.a. Also in fee of reversion of five parts of seven parts of the manor of Arrowe and manor of Mouldsworth parva, which Margaret, who was wife of John de Dutton, has in dowry reversion to sir Thomas of this inquisition, and are held of the prince as earl of Chester by knight's service by the twenty-eighth part of a knight's fee, and worth 4 marks p.a. And the manor of Mouldsworth is held of Hugh FitzHugh Tewe in socage by fealty only, and worth 4 marks p.a. Also in fee reversion of 9 messuages, 3 tofts, 140 acres of land, and

23d. of free rent in Acton by Weaverham, which Margaret, who was the wife of John de Dutton, has in dower by assignment made by John del Legh, late escheator of the king for Cheshire, when those possessions were in the king's hands, and they are held of the abbot of Vale Royal in socage as of his manor of Weaverham, worth 10 marks p.a. Also in fee of 3 messuages, 2 tofts, 32 acres of land, 1 acre of meadow in Cuddington by Onston, held of the prince as earl of Chester by knight's service, worth 20s. p.a. Also in fee of 15s. rent in . . . , held of the prince in socage by fealty only, worth nothing beyond deductions. Also in his demesne as of fee of 3s. of rent in Over Whitley, held of the king as of his manor of Halton in socage by fealty only. Also in his demesne as of fee of 4 messuages and 60 acres of land in Kingsley called *le hey;* 2 messuages, 16 acres of land to the same adjacent, and 1 water-mill in Onston, 16 acres in Chorlton. in Wysehall 12d. of rent of a piece of land called Lovemore in Kingsley, except a third part of tenements aforesaid in Kingsley, Onston, and Chorley assigned to Joan, who was the wife of Thomas de Barton, for her dower. Said sir Thomas was seized of said third part in his demesne as of fee and of a moiety of a burgage in Macclesfield. Possessions in Kingsley called *le hey* are held of the prince as earl of Chester by knight's service, worth 20s. p.a. Aforesaid messuage, land, rents, and mill in Onston, Norley, and Chorlton are held of the prince as earl of Chester by knight's service, worth £5 p.a. And the moiety of burgage of Macclesfield is held of the prince as earl of Chester in socage by payment of 6d., worth nothing p.a. beyond deductions. They find also that sir Peter de Dutton, knt., now deceased, was formerly seized of 34 messuages, 260 acres of land, 18 acres of meadow, 22 acres of pasture, and 30s. rent in Hapsford, Stony Dunham, Norley, Picton, Stoke, Newton, Kingsley, Bradley, and Onston in his demesne as of fee. Sir Peter being thereof seized, granted the possessions to Thomas de Dutton and Alice, daughter of sir John Stanley, knt., then his wife and now wife of John de Wolton (or Welton), to have and to hold to said Thomas and Alice, and they were thereof seized in the time of Henry V. by royal licence. Said Thomas *d.s.p.*, and Alice married John de Wolton now living. And they say that said John de Wolton and Alice held the same at the time of the death of sir Thomas de Dutton in this inquisition, for her life reversion thereof after her decease to said sir Thomas as kinsman and heir of said Peter, being son of John son of said Peter. And they say that the tenements in Hapsford and Stony Dunham are held of John Beaumont, viscount Beaumont, sir John Sutton, knt., sir William Brereton, knt., and Robert Fouleshurst, esq., by knight's service by twentieth part of a knight's fee. Tenements in Bradley are held of Henry, earl of Richmond, as of his manor of Frodsham in socage by fealty and 6s. 8d. p.a. Tenements in Kingsley, Norley, Picton, Stoke, Newton, and Onston are held of the prince as earl of Chester by knight's service by twenty-sixth part of a knight's fee, worth £20 p.a. Also he died seized in his demesne as of fee of 6 acres of land, etc., in Crowton, held of the prince as earl of Chester by fealty only, worth 4s. p.a. They say also that Margaret, who was wife of John de Dutton, holds in dower the manor of Kekwick, the manor of Preston except the lands and premises which Richard Henryson, Adam Smyth, and Richard Legh lately held at will in Preston. One messuage and 7 acres of land, etc., in Ashton by Moulds-worth, 1 burgage and 20 acres of land, etc., in Halton, and 7 acres of land, etc., in Pulton Launcelyn by assignment of John del Legh de Rigge, late escheator of the king,

to said Margaret *inter alia*, made of all the lands and tenements which formerly were of John de Dutton sometime husband of aforesaid Margaret, reversion to said sir Thomas as son and heir of John de Dutton. And the manor of Kekwick is held of the king's manor of Halton by knight's service, worth £5 p.a. The manor of Preston is held of said earl of Richmond as of his manor of Frodsham in socage by fealty and 8s. p.a. They say also that John de Dutton now deceased was seized of the manor of Aston in Mondrem and Church Minshull, and of 2 messuages, 1 toft, and 100 acres of land, etc., in Preston, and the same possession by deed dated June 4, 21 Henry VI. (1443), he gave to his son said sir Thomas and Anne, daughter of James, lord de Audeley, then his wife, now living, to them and their heirs. And by same deed granted that 2 messuages, 100 acres of land, 6 acres of meadow, 1 acre of wood, etc., which Henry Samon, now deceased, and Eva, at that time his wife, now living, held for term of life of said Eva Church Minshull (*sic*), and which, after Eva's decease, to revert to said John de Dutton, and remain to said Thomas and Anne. By which grant said Henry and Eva attorned to said Thomas and Anne, so that if Thomas and Anne should *d.s.p.* the property to revert to John de Dutton. Said Thomas and Anne had issue John de Dutton, still living, and said John de Dutton the father died, and said sir Thomas died, and Anne survived him. Manor of Aston is held of Robert Fouleshurst by knight's service. Manor of Church Minshull held of John, lord of . . . , by knight's service, worth 10 marks p.a. Said tenements in Preston are held of said earl of Richmond as of his manor of Frodsham, and worth 20s. p.a. Said tenements in Church Minshull are held of John, lord of Lovell, by knight's service. Said sir Thomas also died seized of the advocateship of the minstrels of Chester, with the appurtenances held of the prince as earl of Chester by knight's service . . . (portion illegible). He also died seized in his demesne as of fee of 40 acres of land and 10 acres of wood in Barrow Magna, commonly called Folkes and Hamondsheath, held of John Savage in socage by payment of two barbed arrows yearly. Said sir Thomas de Dutton died on Sunday next before the festival of St. Michael the Archangel last past (September 23, 1459), and that John de Dutton now living is his son and heir, and was six years of age on the festival of St. Cuthbert last past, March 20, 1458-9. (Chester inquisitions, 38 Henry VI., No. 4.) Although this inquisition is of so lengthy and genealogically important a nature, of which the above is only a summary, it is dismissed with two lines in the last edition of Ormerod's abstracts of Dutton evidences, i. 647.

Stow, in his Annals (edit. 1615, p. 405), gives the following account of the death of this sir Thomas Dutton at the battle of Bloreheath, although he describes him as an esquire instead of a knight:

'The 21 day of September (1459) Richard, earl of Salisbury, having gathered a well-appointed army, took his way toward Ludlow, where at that time the duke of York lay, to the intent that they both together would have ridden to the king at Colshull in Staffordshire, to have excused them of certain articles laid against them by malice of their enemies as they said. Whereupon those that were about the king and also the queen, who lay at Eglishall, moved him to assemble a great power, whereof James Touchet, lord Audley, was made chief, and had the leading of them into the field called Bloreheath near unto Mucklestone, by the which the said duke and the earl must needs pass, and there both hosts met and fought a mortal battle, wherein the lord Audley was

slain, with Hugh Venables of Kinderton, Thomas Dutton of Dutton, esquire . . . and many others, in all to the number of 2,400 persons; but the greatest loss fell to them of Cheshire that had received the prince's livery of swans.'

Outlawry. Writ to Thomas Wotton, escheator of Cheshire, dated at Chester, August 4, 21 Edward IV. (1481). Whereas the following having been taken into custody as outlaws for felony, an enquiry is to be made respecting their possessions: Peter Dutton, jun., late of Hatton in Cheshire, esq.; Ralph Dutton, late of Hatton, gentleman; Robert Huxley, late of Hatton, yeoman; Peter Fouleshurst, late of Crewe by Bertumlegh in Cheshire, gentleman; Thomas Williamson, late of Chorley in Cheshire, husbandman alias Thomas Williamson, late of Hatton, yeoman; Richard Tilston, late of Huxley in Cheshire, yeoman; Richard Bury, late of Northwich, Cheshire Harper, alias Richard Bovie, late of same place, yeoman; James Frodsham, late of Winnington in Cheshire, yeoman; Peter Baskerville, late of Winnington, yeoman; and Ralph Baskerville, late of Winnington, yeoman. They were outlawed for felony before sir Thomas, lord Stanley, knt., justice of Chester, Tuesday next after the festival of the translation of St. Thomas the Martyr, 21 Edward IV. Inquisition taken at Chester in the chapel within the castle there, Saturday after the festival of St. Mathew the apostle (September 22, 1481). By the oath of Thomas Hurleton, esq., Robert Grosvenor, esq., Ralph Warburton, Thomas Frodsham, Humphrey Swynarton, John Hanky, Robert Bostock, Philip Aldersey, Thomas Legh de Northewoode, John Gleyve, Ralph Bruyn, James Halghton, and Thomas Wetenhall of Cholmeston. They find that Peter Dutton, at the time of his outlawry, was possessed of 12 messuages, 200 acres of arable land, 100 acres of pasture, 20 acres of meadow in Waverton and Norbury by Marbury in Cheshire, which he held of the prince, by service unknown, and worth £9 16s. 15d. (*sic*) p.a. That Robert Huxley was possessed of 1 messuage, 30 acres of arable land, and 3 acres of meadow in Huxley in Cheshire, worth p.a. 40s. And Ralph Dutton of Hatton, gentleman, and Peter Fouleshurst, late of Crewe, and others in the writ named, held no lands or tenements. (Chester inquisitions, 21 Edward IV., No. 2.) The Peter Dutton referred to was the father of sir Piers Dutton of Dutton and Hatton.

John de Dutton. Inquisition taken at Wick Malbank, to enquire after the death of John de Dutton, esq., son and heir of sir Thomas de Dutton, knt., before Roger Mainwaring, escheator of Chester, Saturday next after the festival of the Epiphany (January 9), 11 Henry VII. (1495-6). By the oath of William Wilbraham and John Titley, esquires, Thomas Wettenhall of Cholmondeston, Robert Corbett, Richard . . . (illegible), George Woodnott, Thomas Cheney of Wixsterston, John Walker, Thomas Brescy, William Cranage, Ranulph . . . Aldersey. They find John de Dutton was seized in demesne as of fee tail of . . . by feoffment of John Marbury and William Clay, chaplains . . . and Elizabeth his wife, and heirs of him, Peter, remainder to heirs of said Peter. And Peter and Elizabeth died seized of the same manor, after whose death it descended to John, son and heir of Peter, and he died seized of it, when it descended to Thomas de Dutton, son and heir of John, and he had issue John in the writ named. Anne, wife of sir Thomas Molyneux, knt.; Elizabeth, wife of Thomas Scriven; Margaret, wife of

Ralph Vernon; Isabel and Alianora, and died seized of the same. After whose death John de Dutton, as son and heir of Thomas, entered into the said manor, and died without heir, and the manor descended to Anne, Elizabeth, Margaret, Isabel, and Alianora as sisters of John. And Isabel married sir Christopher Southworth, knt., who had issue John Southworth, and Christopher and Isabel died. And Alianora married Richard Cholmondeley, and had issue Richard Cholmondeley, and Richard the father and Alianora died. And John de Dutton held the manor of the abbot of Vale Royal, as of his manor of Weaverham in socage, by service of 2s. and one sparrow hawk, and worth 20 marks. And John de Dutton died seized of 40 acres of land and 10 acres of wood in Great Barrow called Tolles and Hamondesheth . . . Savage in socage by service of 2 barbed arrows yearly, and worth 20s. yearly. And said John died seized of 1 messuage and 20 acres of land in Frodsham called 'le Briggehows,' and held of the lord prince in socage, and worth 20s. yearly. And of the hamlet of Crewood in Dutton, except the messuages, etc., which Richard de Dutton demised to several persons (named), and the lands of Margaret, wife of the said John, for life, and after her death to heirs of John, and the hamlet of Crewood is worth 40s. And of . . . and 40 acres of land in Milton, and worth 50s. And John de Dutton died April 28 (1495), and his sisters are his heirs.

Proof of age of Laurence, son and heir of Roger Dutton, esq. Writ dated at Chester, March 4, 1495-6, directed to Roger Mainwaring, escheator of Chester, to enquire respecting the age of Laurence Dutton. Proof of age taken at the Pleas hall, Chester, the Thursday in the third week of lent, 11 Henry VII. (March 10, 1475-6). Before sirs William Troutbeck, Thomas Pole, John Donne, knts., William Bothe, Thomas Fitton, John Assheley, Richard Wenyngton, esqs., jurors. They find that Laurence Dutton was of age 21 on the festival of the conversion of St. Paul (January 25) last past. John Donne says that he was present with Roger Dutton in his council when notice came to said Roger Dutton that his son Lawrence was born, immediately whereupon the said Roger Dutton and John Donne went to the christening of the said Lawrence, and the date of his christening was entered in a certain missal in Budworth church, and by inspection of that record it fully appears that Lawrence was 21 years of age on the festival of St. Paul aforesaid. James Bruyn and John Bunbury, esqs., Thomas Rotor de Kyngesley, Richard Mascy of Grafton, Richard Leftwiche, Thomas Starky of Stretton, John Bebynton, and Thomas Colstousek, who give their ages as 40 years, examined, say that the said Lawrence is of the age aforesaid. In proof of which Richard Leftwiche says that he was with John Merbury, esq., the Monday following the birth of the said Lawrence, upon a certain day of hearing between the said John Merbury and William Venables, esqs., concerning divers trespasses between said John and William had and moved, and there first heard of the birth of the aforesaid Lawrence, and by this they are well reminded that he is of the age aforesaid. Richard Bruen of Tarvin, John Moldesworth, Edward Bowden, Robert Hesky, Thomas Daniel of Wrisbury, who give their ages as 26 years, say that the said Lawrence is of the age aforesaid. In proof of which Thomas Daniel says that he held a lighted torch and carried the cloth and ewer at the christening of the said Lawrence, by which he well remembers the age aforesaid (March 12, 1495-6).

Lawrence Dutton, by his attorney, Robert Chaunterell, appeared in the exchequer at Chester and asked for a writ *de terris liberandis*, and also appeared personally there for a livery of his inheritance. (Chester inquisitions, 11 Henry VII., No. 7.) It appears from an endorsement on the writ that James Ashley had the wardship of Laurence Dutton.

This Laurence Dutton was the son of Roger Dutton of Dutton, esq., by his wife Jane, daughter of sir Richard Aston, of Aston, co. Chester, knt. Mrs. Dutton, after her husband's death, became lady Strangways by her marriage with sir Richard Strangways, knt., who died in 1488. Her will is printed in 'Testamenta Eboracensia,' being vol. liii. of the Surtees Society's publications. It is dated October 28, 1500, when she was living in the house of the friar preachers at York, where she died and was buried. The will was proved February 3, 1501-2. She bequeaths 10 marks to the prior and convent of the abbey of Norton, in Cheshire (the early Dutton burial-place), to pray for her soul and for the soul of Roger Dutton, her husband, the first obit to be within ten days after they know of her burial, and the second at her 'twelvemonth day.' To the above Laurence she bequeaths a gilt piece with a cover and all debts he owes her upon the condition that he will be content to receive it with Christ's blessing and her own and not trouble her executors. To his wife Margaret (then living at Dutton) she bequeaths her red bonnet of velvet to pray for her soul.

In 1499 the right of this Laurence Dutton in the jurisdiction over the Cheshire minstrels was questioned by the crown as follows:

'Chester. Laurence de Dutton was summoned to answer the lord prince, earl of Chester, of a plea by what warrant he claims to have that all minstrels dwelling within the county of Chester and within Chester, or exercising their calling there, should meet him or his steward at Chester on the festival of the nativity of St. John Baptist annually, and render him four flagons of wine and one lance at the said festival. And, moreover, each of them shall give 4½d. at the said festival. And to have from each *vagrant* dwelling within the county of Chester or exercising her calling 4d. per annum at the same festival. And also by what warrant he claims to have for himself and his heirs free warren in his townships of Dutton, Weston, Preston, Leigh and Barterton, in the county of the said lord prince, which to the sword and dignity of the said prince belong without his licence or will and that of his progenitors, etc.

'And the aforesaid Laurence by his attorney appears. And so far as this, that all the minstrels dwelling within the county aforesaid and within Chester, or exercising their calling there, ought to meet him or his steward at Chester, and that at the festival of the nativity of St. John the Baptist annually they shall give him at the said festival four flagons of wine and one lance, and each of them shall give him 4½d. at the said time. And to have from each *vagrant* within the county of Chester and within Chester dwelling or exercising her calling there 4d. per annum at the said festival. He says that he and all his ancestors and all those whose estate the said Laurence now hath in the aforesaid manor were seized of and used the offices and liberties and rents aforesaid from time immemorial as belonging to the aforesaid manor, and by that warrant he claims the liberties aforesaid. And so far as having free warren in the aforesaid townships of Dutton, Weston, Preston, Leigh and Barterton, in the county aforesaid, the said Laurence

says that the lord Edward, eldest son of the king of England and France, prince of Wales, duke of Cornwall, and earl of Chester, by his letters patent, of which the date is at Chester 26 day of July, the year of the reign of his beloved lord father, king of England the forty-seventh, and of his realm of France the thirty-fourth, which the said Laurence here produces in court, of which the tenor follows in these words:

'"Edward, by the grace of God eldest son of the king of England and France, prince of Wales, duke of Cornwall, and earl of Chester, to all his bailiffs and lieges, to whom the present letters shall come greeting. Know ye that at the request of our beloved knight, Laurence de Dutton, of our special grace we have granted, and by this our present charter confirmed, to Thomas de Dutton, knt., his father, that he and his heirs may have free warren in his townships of Dutton, Weston, Preston, Kekwik, Leigh, and Barterton, while, however, such lands are not within the metes of our forest. So that none shall enter such to chase in them or take anything in them which to the warren belongs without license of the said Thomas and his heirs upon forfeiture to us of £10. Wherefore we will and firmly command for us and our heirs, earls of Chester, that the aforesaid Thomas and his heirs may have free warren in the aforesaid townships, while, however, they are not within the metes of our forest. So that no one shall enter such townships to chase or take anything in the same which to the warren belongs without license of him Thomas and his heirs upon forfeiture to us of £10 as is aforesaid. In witness whereof we have caused to be made these our letters patent sealed with the seal of our exchequer of Chester. Given at Chester 26 day of July, the year of the reign of our beloved lord father king of England the forty-seventh and of France the thirty-fourth." Granted to the aforesaid Thomas Dutton, knt., ancestor of the aforesaid Laurence, whose heir to wit he is. And that he and his heirs should have free warren in the townships aforesaid, while, however, such townships are not within the metes of his forest. By pretext of which letters patent the said Thomas was seized of the liberties aforesaid, and the said Laurence and all his ancestors from the time of the making of the charter aforesaid such free warren in all the aforesaid townships used and enjoyed without interruption, and by that warrant he claims to have the liberties aforesaid.'

Thomas Dutton of Dutton. Inquisition (no writ) to enquire after the death of Thomas Dutton of Dutton, esquire, taken at Wich Malbank in Cheshire, Saturday next after the festival of Epiphany, 11 Henry VII. (January 9, 1495-6), before Roger Manwaring, escheator of Cheshire. By the oath of William Wilbram and John Titteley, esquires, Thomas Wetenhall of Cholmondeston, Robert Corbett, Richard Bromley, Richard Kerdiff, George Wodnott, Thomas Chaun of Wixterston, John Walker, Thomas Bressy, William Cranage, Ranulph Schal, Ranulph Leicester, Thomas Huxley, and Henry Aldersey, jurors, who find that said Thomas Dutton was seized in his demesne as of fee of Pulsey Chapel, and 60 acres of land and pasture to the same belonging in the townships of Aston and Dutton, held of the abbot of Norton, by service unknown, worth 20s. p.a. A wood called Hilteley in Aston, held of the abbot of Whalley and Richard Aston in socage, worth 10s. p.a., 2 bovates and 100 acres of land, 10 acres of meadow, the moiety of 300 acres of waste in Weston, held of the king as of his manor of Hatton, parcel of the duchy of Lancaster, by knight's service, worth 40s. p.a. A moiety of

Barterton and of 3 messuages, 1 tenement with orchard adjacent, an eighth part of Pecke mill, 100 acres of pasture, 80 acres of land, 20 acres of meadow in Barterton, one held of the prince, as earl of Chester, by knight's service, worth 40s. p.a., 1 messuage and 10 acres in Acton, held of the abbot of Vale Royal in socage, worth 6s. 8d. p.a., 1 burgage in Macclesfield, 36s. 4d. rent in Chester, held of the prince, as earl of Chester, in socage, worth 36s. 4d. p.a., 1 burgage and 3 saltpits in Northwich, held of sir George Stanley, knt., lord le Strange, in socage, and worth 6s. 8d. p.a., 2s. of rent from a fourth part of the manor of Stanthorne. That Thomas Dutton died the Sunday next before the festival of St. Michael the Archangel, 38 Henry VI., September 23, 1459. (Chester inquisitions, 11 Henry VII., No. 2.)

Alice, wife of Thomas Dutton, of Dutton. Inquisition (no writ) to enquire after the death of Alice, sometime wife of Thomas Dutton, of Dutton, esq., taken at same place, on same day, and by same escheator and jurors as preceding inquisition of her husband. They say that she held no lands or tenements as of fee of anyone the day she died. But that one sir Peter de Dutton, knt., was lately seized of 34 messuages, 260 acres of land, 18 acres of meadow, 22 acres of pasture, and 30s. of rent in the township of Hapsford, Stony Dunham, Norley, Picton, Stoke, Newton, Kingsley, Bradeley, and Onston in his demesne as of fee, and granted them to one Thomas de Dutton and said Alice, daughter of sir John Stanley, knt., then Thomas's wife, and their heirs by licence of Henry V. Said Thomas died thereof seized without heirs between him and said Alice, who survived him and held the possessions for her life, and after her death to the heirs aforesaid of Dutton, knt. (*sic*) belonging. That Alice died November 26, 17 Edward IV. (1477). Who are next heirs of Alice, jurors are ignorant. They say that Anna, late wife of sir Thomas Molyneux, knt., Elizabeth, now wife of Thomas Scriven, Margaret, now wife of Ralph Vernon, John Southworth, and Richard Cholmondeley are kinsmen and next heirs of said sir Peter de Dutton, to wit, said Anna, Elizabeth, and Margaret, three of the daughters and heirs of Thomas, son and heir of John, son and heir of said sir Peter. And said John Southworth, kinsman and one of the heirs of said sir Peter, to wit, son of Isabella, fourth daughter and heir of said sir Thomas de Dutton, knt., son and heir of John, son and heir of said sir Peter. And Richard Cholmondeley, kinsman and one of the heirs of said sir Peter, to wit, son of Alianora, fifth daughter and heir of said sir Thomas de Dutton, son and heir of John, son and heir of said sir Peter. And said Anna is aged 50, Elizabeth aged 48, Margaret aged 46, John Southworth aged 20, and Richard Cholmondeley aged 20. That sir William Stanley, knt., occupied the same possessions from the said November 26, 1477, to February 20, 10 Henry VII. (1494-5), on which day said sir William died, but by what right or title they are unaware. (Chester inquisitions, 11 Henry VII., No. 3.)

John Dutton, son and heir of sir Thomas de Dutton, knt. Inquisition (no writ) to enquire after the death of John de Dutton, taken at same place, on same day, and by same escheator and jurors as preceding inquisition of Thomas Dutton. They say that the manors of Barterton, held of the prince as earl of Chester by knight's service, worth £5 p.a.; the manor of Weston and 6 acres in Clifton, held of the king as of his manor

of Halton, parcel of his duchy of Lancaster by knight's service, worth £10 p.a.; the 4 burgages and 8 acres of land in Halton, held of the king as before in socage, worth 20s. p.a.; the 3 messuages, 2 tofts, 32 acres of land, and 1 acre of meadow in Codington, held of the prince as earl of Chester by knight's service, worth 20s. p.a.; the 15s. rent in Middlewich, held of the same but in socage, is worth nothing p.a.; the 3s. rent in Over Whitley, held of the king as of his manor of Halton in socage by fealty only; the 4 messuages, 60 acres of land in Kingsley called 'le hey,' held of the prince by knight's service, worth 20s. p.a.; the 2 messuages, 16 acres of land to same adjacent in Norley, 2 messuages, 32 acres of land, and a water-mill in Onston, 16 acres of land in Chorleton in Wyrrall, 12d. of rent in Kingsley called 'tenemore,' except a third part of the tenements aforesaid in Kingsley, Onston, and Chorleton, which third part was assigned to Joan, who was the wife of Thomas Barton, for dower, held of the prince as earl of Chester by knight's service, worth £5 p.a.; 1 burgage in Macclesfield, held as before but in socage, worth nothing p.a.; the 6 acres of land in Crowton, held as before by fealty only, worth 4s. p.a.; the jurisdiction of the Cheshire minstrels, held of the prince as earl of Chester by knight's service, worth 8d. p.a.; the 6s. of rent in Barterton is held of the same but in socage by fealty only, worth nothing p.a., which rent, by the death of sir Thomas de Dutton, knt., and by reason of the minority of John de Dutton, his son and heir, came into the hands of the prince, and so remains by virtue of an inquisition taken at Chester March 10, 1459-60 (see *ante*). John de Dutton, son and heir of said sir Thomas de Dutton, *d.s.p.* April 28, 13 Edward IV. (1473), being within the age of 21 years, and in wardship to Edward IV. Repeats the next of kin with their ages as in previous inquisition. (Chester inquisitions, 11 Henry VII., No. 4.)

Margaret, wife of John de Dutton, esq. Inquisition (no writ) to enquire after the death of Margaret, wife of John de Dutton, esq., taken at same place, on same day, and by same escheator and jurors as preceding inquisition of her husband. They say she held no possessions of anyone as in her demesne as of fee. But she held in dowry the inheritance of her late husband, John de Dutton, being the manor of Nesse in Wirral, held of the prince as earl of Chester by knight's service, worth 10 marks p.a.; the manor of Kekwick, held of the king as of his manor of Halton as parcel of his duchy of Lancaster by knight's service, worth 10 marks p.a.; the manor of Mouldsworth parva, held of the heirs of Hugh le Tew in socage by fealty only, worth 4 marks p.a.; five-sevenths of the manor of Arrowe, held of the prince as earl of Chester by knight's service, a twenty-eighth part of a knight's fee, worth 4 marks p.a.; 9 messuages, 3 tofts, 140 acres of land, and 23d. of free rent in Acton by Weaverham, held of the abbot of Vale Royal in socage, worth 10 marks p.a.; 7 acres of land in Ashton by Mouldsworth, of which holding the jurors are ignorant, worth 13s. 4d. p.a.; 1 burgage and 20 acres of land in Halton, held of the king as of his manor of Halton in socage, worth 20s. p.a.; 7 acres in Pulton Launcelyn by the assignment of John del Legh de Rigge, late escheator of Cheshire, to said Margaret as her dower, worth 20s. p.a. That said Margaret died May 6, 11 Edward IV. (1471), but of her heirs the jurors are ignorant. They say that one John de Dutton, son and heir of Thomas de Dutton, son and heir of aforesaid John, occupied the above possessions from the death of said Margaret to April 28, 13 Edward IV. (1473), on which

day said John died, but by what right or title the jurors are unaware. That one Roger de Dutton then occupied said possessions from said January 14, 16 Edward IV. (1476-7), on which day said Roger died, but by what right or title is unknown to them. That sir William Stanley, knt., occupied the manor of Mouldsworth parva, five-sevenths of the manor of Arrowe, 9 messuages, 3 tofts, 140 acres, 23d. rent in Acton by Weaverham, 7 acres in Ashton by Mouldsworth, 1 burgage and 20 acres in Halton, and 7 acres in Pulton Launcelyn, from said January 14 to February 20, 10 Henry VII. (1494-5), on which day said sir William died, but by what right or title they know not. That Joan, late wife of said Roger Dutton, hath occupied from said January 14, 16 Edward IV. (1476-7), and still occupies the issues and profits of the manors of Nesse in Wirral and Kekwick, but by what right or title they know not. (Chester inquisitions, 11 Henry VII., No. 6.)

Anne, wife of sir Thomas Dutton, knt. Inquisition (no writ) to enquire after the death of Anne, who was the wife of sir Thomas Dutton, knt., taken at Chester in the Common Pleas hall before Roger Manwaring, escheator for Cheshire, on Friday next before the festival of St. Martin in winter, 19 Henry VII. (November 10, 1503). By the oath of sir John Done, knt., sir John Warren, knt., sir John Legh de Baguley, knt., Thomas Huyde, esq., Laurence Merbury, esq., . . . Leftwiche, Robert Fouleshurst, esq., James Bruen, esq., John Bunbury, esq., James Manley, esq., Thomas Grosvenor, esq., Ranulph Spurstowe, esq., John Danyell, esq., John Hokenhull, esq., John Done de Flaxyards, Thomas Starky de Stretton, John Heth de Hampton, Richard Bruen de Tarvin, Thomas Hogh, John Glayve, Edward Bradshawe, Hugh Starky de Olton, Thomas Winnington, and Roger Stele, jurors. They say that said Anne was seized in her demesne as of freehold for life of the manor of Aston in Mondrem, held of Robert Fouleshurst, esq., by service of fourth part of a knight's fee, worth £10 p.a.; the manor of Church Minshull, held of the heir of lord de Lovell, worth £27 15s. 10d. p.a.; also of 7 messuages, 200 acres, . . . acres of meadow in Kingsley, held of the king, as earl of Chester, by knight's service, a fifteenth part of a knight's fee, worth £6 p.a.; also of 3 messuages, 40 acres of land, 4 acres of meadow in Newton, held of the same, but by a fortieth part of a knight's fee, worth 30s. p.a.; also of 3 messuages, 30 acres of land, 2 acres of meadow, 100 acres of pasture in Morley, held of the same, but by a hundredth part of a knight's fee, worth 20s. p.a.; also of 1 messuage, 20 acres of land, and 4 acres of meadow in Bradley, held of the same of his manor of Frodsham, but in socage by a rent of 6s. 8d., worth 20s. p.a.; also of 1 saltpit of 8 furnaces in tenure of Richard Taylor of Northwich, held of sir George Stanley, lord le Strange, in socage as of his borough of Northwich, worth 26s. 8d. p.a.; also of 1 messuage, 60 acres of land, 2 acres of meadow, and 200 acres of pasture in Budworth in 'le ffrith,' held of the king, as earl of Chester in chief, by knight's service, of the fortieth part of a knight's fee, worth 40s. p.a.; also of 18 messuages, 100 acres of land, 50 acres of pasture, 20 acres of turf, 10 acres of wood, and 10 acres of furze in Legh by Barterton, held of Thomas, earl of Derby, as of his manor of Hawarden in socage by a rent of 6s. 8d., worth £24 p.a.; also of 5 saltpits in Northwich, held of sir George Stanley, lord le Strange, worth 10 marks p.a.; also of 4 messuages, 40 acres of land, 10 acres of pasture, 8 acres of wood in Preston in

Cheshire, held of the king, as earl of Chester, as of his manor of Frodsham in socage, worth £5 p.a.; also of 4 messuages, 40 acres of land, and 1 water mill in Onston, held of the same, but by knight's service, by sixteenth part of a knight's fee, worth £4 p.a. They say said Anne died Monday next after the festival of the blessed virgin Mary last past (September 11, 1503). And that all the possessions named, except those in Legh by Barterton, 5 saltpits in Northwich, messuages, etc., in Preston and Onston, after said Anne's death, should revert and remain to Anne, late wife of sir Thomas Molyneux, knt.; Elizabeth, wife of Thomas Scriven; Margaret, late wife of Ralph Vernon; John Southworth and Richard Cholmondeley, esq., as next heirs of sir Thomas Dutton, knt., to wit, said Anne, Elizabeth, and Margaret, three of the daughters and heirs of said sir Thomas; John Southworth, son of Isabella, fourth daughter and heir of said sir Thomas; and Richard Cholmondeley, son and heir of Alianora, fifth daughter of said sir Thomas. And said Anne, Elizabeth, Margaret, and John Southworth and Richard Cholmondeley, are next heirs of aforesaid Anne in this inquisition, and the remainder of possessions of said Anne descend to Laurence Dutton, esq., kinsman and heir male of said sir Thomas, sometime husband of said Anne, to wit, son of Roger Dutton, brother and heir male of said sir Thomas Dutton. That said Anne Molyneux was aged 56 years and more, Elizabeth Scriven aged 50 years and more, and Margaret Vernon aged 40 years and more, and John Southworth was aged 31 years and more, and Richard Cholmondeley aged 30 years and more, and Laurence Dutton was aged 27 years and more, upon the day of the taking of this inquisition. (Chester inquisitions, 19 Henry VII., No. 3.)

Outlawry of Ralph Dutton, gent. Inquisition (no writ) taken at Chester in the Common Pleas hall, September 20, 9 Henry VIII. (1517), to enquire respecting the possessions of Ralph Dutton, who was outlawed for felony and murder at the county of Chester on Tuesday next after the festival of St. Peter ad Vincula, 3 Henry VIII. (August 5, 1511), before sir Ralph Egerton, knt., escheator of Cheshire. By the oath of John Whitmore, esq., John Ward de Capesthorn, esq., Thomas Liversegge, esq., Thomas Whalley, Thomas Trafford, and John Danyell, esqrs.; Edward Bowdon and Thomas Legh de Northwode, esqrs.; Robert Huyde, esq.; Richard Wilbram de Thingwall, Thomas Henshaw de Henshaw, and Griffyn Willot, jurors. They find that said Ralph held no possessions whatever. (The inquisition, which is lengthy, deals also with the outlawries of William Stockport, Thomas Walthall, and other individuals. Chester inquisitions, 9 Henry VIII., No. 4.)

Sir Piers Dutton of Dutton, knt. (who built the hall at Dutton). Inquisition (no writ) taken at Chester the Friday after the festival of All Saints (November 5), 37 Henry VIII. (1545), before Brian . . . to enquire after the death of Piers Dutton, late of Dutton, knt., by the oath of sir Henry Delves, knt., Robert Dokenfeld, esq., John Arderne, esq., John Whitmore, John Duncalfe, . . . , Thomas . . . , esq., Thomas Walton of Spryng, Ranulph Winnington of Overton, Christopher Atherton, Robert Crokett of Barton, Robert Wenn, William Dodd of Broxton, Hugh Aston of Aston, and John Bulkeley of Bickerton, esq., jurors. They find that sir Piers Dutton died seised of the manor of Dutton, held of the king, as of his manor of Weaverham, in socage by payment

of 2s. or 1 sparrow-hawk yearly. The advowry of the minstrels of Chester, held of the king by knight's service, and worth 8d. p.a., and the chapel of Poosey. The manor of Preston juxta Halton, held of the king, as of his manor of Frodsham, in socage by a rent of 8s., and worth p.a. £20. The manor of Weston juxta Halton, worth £18 p.a. The manor of Arrowe, of which four-sevenths are held of the king by knight's service, and worth 40s. p.a. The manor of Nesse, worth £10 p.a., and manor of Barterton, worth £4 p.a., are held of the king as earl of Chester in chief by knight's service. The manor of Leigh juxta Dutton is held of Edward, earl of Derby, as of his manor of Hawarden, in socage by a rent of 26s. 8d. p.a., and worth £12 (or £13 ?). The manor of Little Mouldsworth is held of the heirs of Hugh le . . . in socage, and worth £14 13s. 4d. p.a. The manor of Acton, held of the king, as of his manor of Weaverham, by knight's service, worth £12 p.a. And of 6 messuages, 100 acres of land, 100 acres of pasture, and 20 acres of meadow in Onston, held of the king by knight's service, worth £4 p.a. The manor of Hapsford, worth £6 p.a., and 2 messuages, 8 bovates of land, and 10 acres of pasture in Stony Dunham, worth 40s. p.a., held of the earl of Arundel by knight's service. And 3 messuages, 4 bovates of land, 30 acres of pasture, 4 acres of wood . . . 12 bovates of land, 10 acres of meadow, and 20 acres of turf in Stoke, held of the king in chief by knight's service, worth £6 p.a. And half a burgage 'sals',' and a third of half a burgage, and 4s. annual rent in Northwich, and of 12 . . . in Northwich, held of the king in socage, worth 26s. 8d. p.a. And 2 messuages, 10 acres of land, 10 acres of pasture, and 12 acres of meadow in Middlewich, and 10s. free rent issuing annually from land, etc., late of Richard Bulkeley, Robert le Prist, and Robert Swan in the same ville, held of the king in socage, and worth nil p.a. And 2s. of free rent in Stanthorne annually issuing from the manor held in socage, and worth nil p.a. And 8s. of free rent . . . in Thelwall, held of the king, as of his manor of Halton, in socage, worth 8d. p.a. And of 4 acres of land in Moore, held of the king, as of his manor of Halton, in socage by fealty, and worth 20d. p.a. And 6s. of free rent in Barnton of the lands of the late Lawrence Starkey, held of the king in socage by fealty, and worth nothing beyond rent p.a. And 8 acres of land in Elyston, and of 4 marks issuing from a messuage in Marsh, and divers lands in the tenure of Thomas Dutton, gent., for term of his life, reversion to the right heirs male of sir Piers, and said Thomas survives at Marsh. And said sir Piers Dutton by deed, dated October 8, 32 Henry VIII. (1540), granted to Richard Hassall an annuity of 26s. 8d. for life, who is still living. And by deed, dated March 21, 35 Henry VIII. (1543-4), granted to George Holford an annuity of 40s. And said sir Piers was seized of a messuage called Le Pele, in Little Mouldsworth, 100 acres of land, 20 acres of meadow, 100 acres of pasture, and 20 acres of wood in the same. By indenture between him and Henry Gee, alderman of Chester, sir Piers granted said messuage to Henry Gee. And by indenture March 7, 33 Henry VIII. (1541-2), surrendered the manor of Dutton and lands in Aston Leigh, Acton, and Barterton to Ralph Dutton . . . of aforesaid sir Piers for 99 years, paying yearly £44 18s. 8d., and being seised of one messuage, etc., in Claterwike, in the lordship of Leigh, by indenture let the same to John Taylor (other leases also enumerated). And one Laurence Dutton, esq., ancestor of sir Piers, whose heir male he is, was seised of a water-mill in Acton, which by deed May 18, 17 Henry VIII. (1525), between said

Laurence and John Birkenhed, granted the same to said John for 40 years at a rent of 40s. And said sir Piers and others, in consideration of a marriage to be solemnized between Piers, his son and heir-apparent, and Joan, daughter of sir William Booth, knt., and dame Ellen, late his wife, and for effect of indenture between said Piers and Ellen, December 10, 12 Henry VIII. (1520), by their deed enfeoffed sir Henry Sacheverell, knt., and others, of certain lands to the use of said Joan for life, and after her decease to Peter, son and heir of sir Piers, and in default of issue to any son and heir who should marry aforesaid Joan. And afterwards said Joan married Thomas Holford, esq., and they were seised of the premises in her right, and said Joan is living at Holford. And in consideration of a marriage between Hugh Dutton, son and heir-apparent of sir Piers, and Joan, daughter of sir William Booth, knt., the same settlement made as in the previous instance (the previous marriage apparently not having been consummated). Refers to will of Laurence Dutton, dated March 20, 17 Henry VIII. (1525-6). And said sir Piers being seised of Hatton, etc., as above by deed between him and Ralph his son, settled them upon said Ralph so long as said Ralph should perform certain covenants by paying certain sums of money to Alice, Anne, Margery, and Margaret, daughters of sir Piers, and to Elizabeth, his bastard daughter, and John, his bastard son (deed recited at length). And said sir Piers Dutton died on Monday in the festival of St. Laurence the Martyr, 37 Henry VIII. (August 17, 1545), and John Dutton is kinsman and next heir male lawfully begotten, son and heir of Hugh Dutton, esq., who was son and heir of sir Piers Dutton. And said John Dutton was seven years of age on the festival of St. Thomas the apostle last past, December 21, 1544, therefore born on December 21, 1537. (This inquisition is long, occupying four membranes containing about 150 folios, mutilated at top and in parts illegible.) A further inquisition by writ, dated at Westminster, December 30, 4 Edward VI. (1550), to sir Hugh Calveley, knt., and Thomas Holford, esq., taken at 'Castell Wyche' (Castle Northwich), in the house of John . . . , on Wednesday, January 14, 4 Edward VI. (1550-1), before Hugh Calveley de Ley, knt., and Thomas Holford of Holford, esq., commissioners. By the oath of James Marbury, esq., Robert Hurde, esq., John Brestow of Tiverton, John Aldersey of Aldersey, John Fylken, Hugh Hanky, Thomas Leftwich, esq., Thomas Turbeslegh, Thomas Wyllot, Thomas Stepylton, William Booth of Twemlowe, Ranulph Horton, John Cathrod, John Bulkeley of Bickerton, Philip Aldersey, William Bradshaw, Robert Fitton, Ralph Leche, and William Wrench. To the same effect as previous inquisition. (Inquisitions post-mortem, vol. 90, No. 11.)

Fulk de Dutton of Chester. Inquisition (no writ) taken at Chester in the Common Pleas hall March 22, 1 Elizabeth (1558-9), to enquire after the death and respecting the possessions of Fulk de Dutton of Chester, gent, before sir John Savage, knt., and Thomas Grene. By the oath of Thomas Grene, Thomas Stewarde, William Hall, Thomas Wedderell, John Hanby, John Newhall, George Sedgewycke, Oliver Smyth, Edmund Martyn, John Delaheye, Robert Dryhurst, Edmund Thomson, Christopher Marvell, Hugh Rogerson, and William Birde, jurors. Who say that said Fulk was seized in his demesne as of fee in the site late of the house of the carmelite friars in Chester, and of 1 messuage there, etc., called the White Friars, and of 14 messuages or burgages, 1 dove-

cot, 16 gardens, 1 orchard, 2 acres of land, and 6d. of free rent in the parish of St. Bridget and St. Martin, bishop, in Chester, held of the queen as of her crown in chief by knight's service, by the fortieth part of a knight's fee, worth £8 p.a. And of a messuage called the abbot's hall in Eastgate street of Chester in the tenure of John Webster, alderman. And of a messuage, etc., in the said Eastgate street in the tenure of Henry Leche, draper. And of 14 shops, 7 rooms, and 4 cellars in Eastgate street and Bridge street in St. Peter's parish in Chester, all which are held as before, but by the sixtieth part of a knight's fee, worth £14 p.a. And of 5 messuages, 1 garden, etc., in Bridge street and Watergate street in Chester in the tenures of Ranulph Lloyd, gent., Margaret Fisher, widow; Maud Lyme, widow; John Baswell, Bowyer, and Nicholas White, mariner, held of the queen as countess of Chester in free burgage, worth £4 16s. 8d. p.a. And said Fulk died at Chester September 24, 5 and 6 Philip and Mary (1558), and Richard Dutton, gent., is his son and next heir, and was of age twenty-seven years and more on the day of his father's death. (Chester inquisitions, 1 Elizabeth, No. 3.)

To ascertain who had received the profits since the death of Fulk Dutton a further inquisition (no writ) was taken at same place April 11, 8 Elizabeth (1566), before Thomas Grene, gent., mayor and escheator of Chester. By the oath of Walter Fox, merchant; Robert Hill, tailor; William Stiles, mercer; Thomas Nicholson, merchant; Ralph Thornton, junr., merchant; Nicholas Massy, draper; John Thomas, mercer; Thomas Sandford, innkeeper; John Edwards, tanner; Ranulph Buckley, draper; Henry Moneley, chandler; Richard Moseley, baker; and Richard Bavaud, ironmonger, jurors. Who say that said Fulk de Dutton was seized in his demesne as of fee the site of the house of the carmelite friars in Chester, and 1 messuage, etc., to the same adjacent called the White Friars. And of 6 burgages, etc., in Chester; and 1 orchard with 2 acres of land and 6d. of free rent in the parish of St. Bridget and St. Martin, bishop, in Chester, all held of the queen in chief by knight's service, the fortieth part of a knight's fee, worth £3 p.a. And of the messuage, etc., called the abbot's hall in Eastgate Street, Chester, in the tenure of John Webster, alderman. Also of another messuage, etc., in same street in the tenure of Henry Leche, draper. Also of 8 shops, 4 rooms, and 2 cellars, etc., to same belonging in the parish of St. Peter, Chester, all which were held of the queen as of her honour of Bullenbrabe in socage by fealty only, worth £4 p.a. Also of a messuage in Bridge street there in tenure of Richard Massy, held of the queen as countess of Chester in free burgage, worth 20s. p.a. And of 24s. free rent from two tenements in Bridge street in the occupation of Matilda Lyme and Margaret Fisher, held of the queen in same manner as before. They say that said Fulk de Dutton executed his will in August 29, 1558, by which he bequeathed much of his estate to his younger son, John Dutton, and a portion to Katherine Dutton for life, and afterwards to said John Dutton and Alice Dutton, daughter of said Fulk, and now wife of Thomas Daniell, esq. And they further say that said Katherine Dutton and one William Williams, esq., in her right after espousals between them, received the rents of the said portion from the death of the said Fulk to April 19th, 7 Elizabeth (1565), on which day said Katherine died at Chester. Richard Dutton, gent., citizen and alderman of Chester, took the profits of a third part of the premises until the day of this inquisition as son and next heir of said Fulk. That said Fulk died at Chester September 24,

5 and 6 Philip and Mary (1558), and that Richard Dutton is son and next heir, and is aged 36 years on the day of taking this inquisition. Signed and sealed by Thomas Grene, mayor of Chester. (Chester inquisitions, 8 Elizabeth, No. 3.) This Fulk Dutton was the grandfather of sir Thomas Dutton who killed sir Hatton Cheke in a duel in 1610.

Ralph Dutton, of Hatton, esquire. Queen Elizabeth's writ to John Nuthall, esq., escheator of Cheshire, to enquire respecting the possessions of Ralph Dutton, of Hatton, esq., deceased. Dated at Chester August 4, 24 Elizabeth (1582). Inquisition taken at Northwich in Cheshire September 28, 24 Elizabeth (1582), before John Nuthall, esq., escheator. By the oath of Thomas Winnington, esq., Peter Dod, de Broxton, gent., William Ferrar, de Acton, gent., James Brown de Hulsey, gent., Peter Filkin de Tattenhall, gent., Lawrence Sweatman, gent., John Wrench de Shurlach, gent., William Hollinshed de Buglawton, Ranulph Pinkmere de Middlewich, Edward Harper, Oliver Vernon de Middlewich, Ralph Hulsey, Thomas Byron, John Ketle de Bursley, and Roger Page de Erdeshawe, jurors. Who say that said Ralph Dutton was seized in his demesne as of fee and by feoffment of one sir Peter Dutton, knt., father of said Ralph, of and in the manor of Hatton by Waverton, held of the queen in socage by a rent of 12d. p.a., worth £20 p.a.; the manor of Waverton, held of John Pigott, esq., by the service rent of one sparrowhawk and 12d. p.a., worth 20 marks p.a.; the manor of Golborne Belleau and Rushall, held of George Cotton, esq., as of his manor of Tattenhall by a rent of 4s. p.a., worth 20 marks p.a.; the manor of Broxton, held of William Brereton, esq., as of his manor of Malpas, by service unknown, worth 15s. 6d. p.a.; the manor of Chorley, held of the same, worth £7 4s. 2d. p.a.; the manors of Magna Aldersey, Middle Aldersey, and Crook Aldersey, held as before, worth £5 0s. 8d. p.a.; 1 messuage, 10 acres of land, 4 acres of meadow, and 6 acres of pasture, etc., in Pulford, called Pulford Woods, held of the queen as countess of Chester, by service of thirtieth part of a knight's fee, worth 20s. p.a.; 2 messuages, 16 acres of land, 6 acres of meadow, and 8 acres of pasture in Tattenhall, held in socage of said George Cotton, esq., as of his manor of Tattenhall, worth £1 0s. 4d. p.a.; 1 messuage, 40 acres of land, 8 acres of meadow, 12 acres of pasture, etc., in Newton, held in same manner, worth £2 1s. 2d. p.a.; 1 close containing 12 acres of pasture in Hargrave Stubbs, called Reynolds' field, held of William Brereton, esq., as of his manor of Fulke Stapleford, by service unknown, worth 4s. p.a.; 1 messuage, 30 acres, 8 acres of meadow, 12 acres of pasture in Kettleshulme, held of the queen as countess of Chester, according to the custom of the manor and forest of Macclesfield, worth 8s. p.a.; 1 messuage, 12 acres of land, 4 acres of meadow, and 6 acres of pasture in Marbury, and of 12 acres of pasture in Norbury, held in socage of George, earl of Shrewsbury, as of his manor of Marbury, worth 17s. p.a.; 1 cottage, 8 acres of land, 2 acres of meadow, and 6 acres of pasture in Great Barrow and 8 acres in Little Barrow, held in socage of sir John Savage, knt., worth 16s. 8d. p.a.; 2 acres of meadow in Mylton in Hanley parish, held of the heirs of sir William Boydell, knt., by service unknown, worth 6s. 1d.; 1 messuage, 10 acres of land, 4 acres of meadow, and 8 acres of pasture in Allostock, held of the queen by service unknown, worth 14s. 6d.; 3 acres of land in Nether Peover, held of the queen as of her honour of Halton by knight's

service, worth 2s. 8d. p.a. ; 2 cottages, etc., in Alvanley, held of the queen by service unknown, worth 4s. p.a. ; 1 messuage, 20 acres of land, 2 acres of meadow, and 8 acres of pasture in Elton, held of the queen in socage, worth 18s. p.a. And said Ralph being thus seized by deed, dated January 1, 16 Elizabeth (1573-4), covenanted with John Dutton of Dutton, esq., and Thomas Brooke of Norton, and Henry Bartelett of Seynbury, co. Gloucester, esqs., that he, said Ralph Dutton and Anna his wife, should levy a fine of the manors of Hatton by Waverton, Waverton by Hatton, Chorley and Broxton, with 120 messuages, 2 windmills, 1,000 acres of land, 300 acres of meadow, 1,000 acres of pasture, 1,000 acres of wood, 200 acres of moor, 200 acres of furze and heath, 40 acres of turf, and £20 of rent, etc., in Hatton by Waverton, Waverton by Hatton, Chorley, Bolesworth, Broxton, Claverton, Pulford, Golborne Belleau, Golborne David, Rushall, Tattenhall, Hargrave Stubbs, Newton by Tattenhall, 'Hulsuch' (? Hulse), Netleshulme, Marbury, Norbury, Great Barrow, Little Barrow, Great Aldersey, Middle Aldersey, Crooke Aldersey, Lyttleton, Wardhall, Milton, Allostock, and Nether Peover, to the use of said Ralph and Anne his wife, and their heirs according to said agreement. By same agreement power was reserved for said Ralph by will to charge the estates, excepting the demesne of the manor of Hatton, to the extent of 400 marks, for the preferment of said Ralph's daughters. Also said Ralph might by his will charge the estates with annuities to his younger sons. Said fine was levied at Chester before sir John Throckmorton, chief justice of Chester, February 15, 16 Elizabeth (1573-4). Said Ralph, being so seized, executed his last will on April 17, 23 Elizabeth (1580-1), at Hatton. By which he charged the estates with the payment of an annuity of £10 for each of his sons, Hugh, Robert, and William Dutton, and 400 marks to his daughter Bridget Dutton. Said Ralph Dutton died at Hatton June 26, 1582, and said Anne his wife survived him, and is in full life at Hatton, also the said sons and daughter. And that Rowland Dutton is said Ralph's son and heir by Anne his wife, and is 21 years of age and more. (Chester inquisitions, 24 Elizabeth, No. 4.)

To ascertain who had received the profits since the death of said Ralph Dutton a further writ was issued, dated at Chester, April 10, 1583, and directed to sir Ranulph Brereton, knt., Thomas Venables, esq., John Starkey, esq., and John Warde, gent., feodary of Cheshire. Followed by a further writ directed to the same, dated at Chester, November 16, 1583, reciting former inquisition, and requiring further and fuller particulars respecting the services by which the manors were held. Inquisition taken at the church of St. Mary at Hill, co. Chester, April 11, 25 Elizabeth (1583). Before sir Ranulph Brereton, knt., and John Warde, gent., feodary of Cheshire. By the oath of William Chauntrell, esq., John Hockwell, esq., William Frodsham, gent., Ralph Brian, gent., Peter Dodd, gent., John Eaton, gent., Richard Davenport, gent., John Egerton, gent., John Byrtles, gent., Peter Filkin, Oliver Walker, John Kettle, Benedict Paynter, John Strynger, John Hankie and Thomas Aldersey, jurors. The amended particulars of services, etc., by which the lands were held are as follows: The manor of Hatton held of the queen as of the late priory of St. John of Jerusalem in England in socage by fealty at rent as previously given. Three acres of land, etc., in Nether Peover, held of the queen as of her honour of Halton, parcel of her duchy of Lancaster, by the service of one hundredth part of a knight's fee. The tenements in Alvanley held of the queen as of the

late priory of St. John of Jerusalem in England in socage by fealty. And the tenements in Elton are held in same manner. Said Ralph died June 26, 1582, and Rowland Dutton is son and heir and 30 (*sic*) years of age and more on the day of this inquisition. (Chester inquisitions, 25 Elizabeth, No. 1.)

A further writ dated at Chester September 19, 25 Elizabeth (1583), to John Nuthall, esq., escheator, and John Warde, gent., feodary, to enquire more fully as to the service by which the lands were held. Inquisition taken at Chester September 20, 25 Elizabeth (1583), before John Nuthall and John Warde by the oath of William Chauntrell 'de Bachari',' Richard Brereton of Eccleston, esq., William Frodsham, gent., John Hanky, gent., Ralph Bryne, gent., Richard Davenport, gent., William Hollenshed of Buglawton, Lawrence Swetnam, gent., Benedick Paynter, gent., Oliver Walker, Thomas Aldersey of Agden, Robert Whytney of Coole, Thomas Mynshull, gent., John Ketle. The tenements in Kettleshulme are held of the queen as of her county of Chester by the service of one hundredth part of a knight's fee, and are worth 8s. p.a. The tenements in Allostock are held in the same manner, and worth 12s. 6d. p.a. The tenements in Alvanley are held in the same manner, and worth 4s. p.a. Ralph Dutton died June 26, 24 Elizabeth (1582), and Rowland Dutton is his son and heir and 30 years of age and more. Signed by jurors. (Chester inquisitions, 25 Elizabeth, No. 2, membs. iii. and iv.)

A further writ, dated at Chester November 16, 25 Elizabeth (1583), directed to sir Ranulph Brereton, knt., Thomas Venables and John Starkey, esqs., and John Warde, gent., feodary of Chester, for fuller enquiry respecting the service by which the lands were held as returned in the previous inquisition.

Inquisition taken at Tarvin November 21, 26 Elizabeth (1583), before Thomas Venables, esq., and John Warde, feodary. By the oath of John Hocknell, esq., Ralph Bryne, gent., Peter Dod, gent., John Hanckye, gent., Peter Philkyn, gent., Oliver Walker, John Horton, Thomas Dod, gent., Thomas Rutter, gent., John Trevis, Robert Buckeley, Thomas Ball, and Ralph Payne, jurors. They say that the manor of Hatton is held of the queen, as of the late priory of St. John of Jerusalem in England, in socage by fealty and a rent of 12d. per annum. The messuage and land in Elton mentioned in the previous inquisition are held of the same and in same manner. The tenements in Allostock are held of the queen as of her county of Chester, by the service of one hundredth part of a knight's fee. The tenement in Alvanley is held in the same manner. Signed by jurors. (Chester inquisitions, 25 Elizabeth, No. 2, membs. i. and ii.)

Richard Dutton of Chester, esquire. Inquisition (no writ) taken at Chester, April 28, 32 Elizabeth (1590), before William Cotgreve, mayor of Chester and escheator in the same county, to enquire after the death of Richard Dutton, late of Chester, esq. By the oath of Robert Wall, sen., ironmonger; Nicholas Massy, draper; Ralph Rathburne, draper; William Dodd, merchant; Ranu' Ince, shoemaker; Ralph Fennis, draper; Robert Cowper, baker; William Adams, baker; Edward Dawby, glazier; Richard Leigh, mercer; James Ball, smith; James Banastre, gent.; Richard Goose, draper; John Del . . . hey, merchant; and Arthur Chauntrell, clothworker. They find that he died possessed of the house and site called the Black Friars in Chester; and of 8 messuages

and 4 gardens in the parish of holy Trinity and St. Martin in Chester, belonging to the black friars; and of 7 messuages in White Friar lane, parcel of the possessions of the late Carmelites, called the white friars; and of 1 messuage in Bridge street; all part of the possessions of the friars minor and friars Carmelite, and held of the queen in chief by service of one-hundredth part of a knight's fee, paying yearly to the queen for the house, site, etc., of the friars minor 4s. 7d., and for the house and site of the said (? black) friars 9s. 2d., and for the messuage late of friars Carmelite 2s. 2d., parcel of 5s. 4d., and said part of possessions of friars minor, etc., are worth 20s. p.a., and the messuage in Bridge street is held of the mayor and citizens of Chester in free burgage worth 5s. And said Richard Dutton died August 2, 25 Elizabeth (1583), and Edward Dutton, gent., is his son and next heir and 24 years of age and more. Seals appended. (Chester inquisitions, 32 Elizabeth, No. 1, memb. i.)

Rowland Dutton of Hatton, esquire. Writ to sir Ranulph Brereton, knt., Hugh Coweley (? Calveley), Hugh Glaseor, Henry Birkhened, and Edward Dod, esqs., Henry Mainwaring, esq., escheator, and Ralph Wilbraham, gent., feodary, to enquire after the death of Rowland Dutton of Hatton, esq. Dated at Chester May 30, 3 James I. (1605). Inquisition taken at Wich Malbank, in Cheshire, January 15, 3 James I. (1605-6), before Edward Dodd, esq., Henry Mainwaring, esq., escheator, and Ralph Wilbraham, feodary. By the oath of . . . George Bostock of Churton, esq., Edward Tannet of Broxton, gent., John Golborne of Golborne, gent., Thomas Brassy of Buckley, gent., Thomas Buckley of Bickerton, gent., . . . Richard Horton of Coole, gent., Edward Brassy of Auldlem, gent., John Cawton of Byrcher, gent., Richard Meakin of Hatherton, gent., William Davenport of Boughton, gent., Thomas Handley of Boughton, gent., Hugh Massy of Everley, gent., Richard O . . . , jurors. They find that said Rowland Dutton was seised of the manor of Hatton, held of the king, as of his late priory of St. John of Jerusalem, in socage by fealty and a rent of 12d. p.a., and worth £20. The manor of Waverton juxta Hatton, held of John Pigott in socage by a rent of one sparrowhawk or 12d., and worth 20 marks p.a. The manor of Chorley, held of sir William Brereton, knt., as of his manor of Malpas, but by what service they know not, and worth £7 4s. 2d. p.a. The manor of Bolesworth, held of the same by service unknown, worth 40s. The manor of Broxton, held of the same by service unknown, worth £14 15s. 6d. The manor of Great Aldersey, Middle Aldersey, and Crooke Aldersey, held of the same by service unknown, worth £5 0s. 8d. The manor of Golborne Belleau, and Rushall, held of Ralph Egerton of Ridley, esq., as of his manor of Tattenhall, by a rent of 5s. and service unknown, and worth 20 marks. And 1 messuage, 10 acres of land, 4 acres of meadow, and 6 acres of pasture in Pulford, called Pulford Wood, held of the king, as of his county of Chester, by one-thirtieth of a knight's fee, worth 20s. p.a. And . . . acres of land, 6 acres of meadow, and 8 acres of wood in Tattenhall, held of Ralph Egerton, as of his manor of Tattenhall, by a rent of 4s. 2d. and service unknown, worth 20s. 4d. And 1 messuage, 40 acres of land, 8 acres of meadow, and 12 acres of pasture in Newton juxta Tattenhall, held of the same by knight's service and a rent of 2s. 6d., and worth 41s. 2d. p.a. And . . . 12 acres of land, 4 acres of meadow, and 6 acres of pasture in Norbury juxta Marbury, and of 12 acres of pasture, held of Robert Cholmley, esq., as of his manor of Norbury, by fealty

and suit of court annually, worth 17s. And 1 cottage, 8 acres . . . pasture in Great Barrow, held of sir John Savage, knt., as of his manor of Great Barrow, by fealty, worth 16s. 8d. p.a. And 2 acres of meadow in Milton, in parish of Hanley, held of Thomas Marbury as kinsman and heir of sir William Boydell, knt., as of his manor of Dodleston, by service unknown, and worth 6s. 1d. And of 1 messuage . . . meadow, and 8 acres of pasture in Allostock held of sir Thomas Holcroft, knt., as of his manor of Weaverham, late parcel of the monastery of Vale Royal, in socage by fealty, and worth 14s. 6d. And 3 acres of land in Nether Peover, held of the king, as of his lordship of Hatton, for one-hundredth part of a knight's fee, and worth 2s. 8d. And 2 cottages in Alvanley, held of the king, as of his late priory of St. John of Jerusalem, in socage by fealty, and worth 4s. p.a. And 1 messuage . . . and 8 acres of pasture in Elton by Ince, held of the same by fealty and rent of 12d., and worth 18s. Recites settlement dated at Hatton January 20, 43 Elizabeth (1600-1), upon the marriage of Edward Dutton, son and heir of said Rowland and Mary Calveley, made between Rowland Dutton and Hugh Calveley of Lea, esq., sir Brian Leigh, knt., George Calveley, gent., Ranulph Mainwaring, and Hugh Starkey, gent., to whom he devises such interest in his estate for five years following as Hugh Calveley may reasonably demand, excepting lands demised by Ralph Dutton, his father, to Hugh Higginson by deed August 20, 5 Elizabeth (1563), and lands in Waverton similarly demised to Peter Reffeson by deed June 14, 2 Elizabeth (1560), and lands demised to Richard Massy, sen., by deed January 25, 37 Henry VIII. (1545-6), and those demised November 20, 3-4 Philip and Mary (1556). To have to the uses of the marriage the messuage called Rushall Hall, in Tattenhall, and the separate pasture in Tattenhall, and closes, etc., enumerated and messuage in occupation of Agnes Dutton, widow, to the use of Mary Calveley for jointure. And a fine was levied accordingly April 20, 43 Elizabeth (1601). Recites said Rowland Dutton's will, and he died February 8 last past (1604-5). And Edward Dutton is son and heir and 25 years of age and more. And Mary, wife of Edward Dutton, is still living. And George Dutton, Rowland's younger son, is still living. And said Rowland had six daughters lawfully begotten, viz., Anne, Elizabeth, Jane, Maryan, Eleanor, and Sarah. And Elizabeth was married to Francis Berkeley, esq., in her father's lifetime after execution of his will, and the other daughters survive unmarried. (Chester inquisitions, 3 James I., No. 6. Membrane mutilated in parts.)

John Dutton, of Dutton, esq. Writ to sir George Booth, knt., Henry Mainwaring, esq., escheator of Chester, Ralph Wilbraham, esq., Feodary, James Anderton, Thomas Marbury, George Holford, John Ward, and James Massey, esqrs., dated at Chester April 8, 7 James I. (1609), to enquire after the death of John Dutton of Dutton, esq. Inquisition taken at Chester castle April 25, 7 James I. (1609), before George Booth, Henry Mainwaring, Ralph Wilbraham, Thomas Marbury. By the oath of John Bruen, of Stapleford, esq., John Hocknell, of Hocknell, esq., John Griffin, of Barterton, esq., Edmund Moulesworth, of Wymincham, gent., Richard Browne, of Upton, gent., Edward Tannet, of Broxton, gent., . . . Marbury, of Walton, gent., John Nuthall, of Catnall, gent., George Rutter, of Kingsley, gent., Hugh Crosby, of Over Whitley, gent., James Roe, of Acton, gent., John Wrench, of Shurlach, gent., Ralph Littler, of

Wallerscote, gent., Peter Leigh, of Ough . . ., gent., Thomas Harper, of High Leigh, gent., John Cotton, of Huntingdon, gent., William Davenport, of Broughton, gent., William Rosengreave, of Warton, gent., and Thomas Hall, of Budworth, gent., jurors. They find that John Dutton was seized of the manors of Dutton, Leigh juxta Dutton, Barterton, Preston-on-the-Hill, Acton, Weston juxta Runcorn, Littleton alias Christleton, Hapsford, Claverton, Arrowe, Stoke, and Nesse. And of 1,000 messuages, 8 salt-pits, 6 mills, 3 dovecotes, 1,000 gardens, 10,000 acres of land, 4,000 acres of meadow, 10,000 acres of pasture, 3,000 acres of wood, 3,000 acres of moor, 2,000 acres of marsh, 2,000 acres of furze and heath, 2,000 turf, 1,000 acres of land covered with water, and £30 of rent in Dutton, Leigh juxta Dutton, Barterton, Preston-on-the-Hill, Acton, Weston juxta Runcorn, Littleton alias Little Christleton, Hapsford, Claverton, Arrowe, Stoke, Nesse, Waverton juxta Hatton, Picton, Stony Dunham, Hellesby, Aston, Clifton, More, Middlewich, Northwich, Onston, and Great Barrow ; advowsons of the chapel of Poosey and of the vicarage of Stoke, and advowry of the Cheshire minstrels, and free fishery in the Mersey and Weaver. (The persons of whom the lands were held with their services and values cannot be entirely given, as the membrane is illegible in those parts, but they are very similar to such particulars given of the same possessions at the death of this John Dutton's son, Thomas Dutton, six years later.) John Dutton being seized as above levied a fine April 26, 27 Elizabeth (1585), between himself and John Egerton, esq., junr., and George Ravenscroft, by which he settled the salt-houses in Northwich and the tenements in Little Mouldsworth and Great Barrow to the use of Peter Dutton, then his son and heir apparent, and Elizabeth his wife and heirs male. And the tenements in Waverton juxta Hatton, Hapsford, Stony Dunham, Hellesby, Nesse in Wirral, and Picton to John Dutton for life, and then to the use of Peter Dutton and his wife, then to the heirs of sir Piers Dutton, knt., deceased, the said John Dutton being kinsman and heir male of sir Piers Dutton, being son and heir of Hugh Dutton, son and heir of said sir Piers. And the residue of the manors, etc., to the use of John Dutton for life, and then to Peter Dutton and heirs male, and for default of heirs to the heirs of said sir Piers Dutton as by indenture between John Dutton and Peter his son, dated April 25, 27 Elizabeth (1585), appears. And said John Dutton was also seized of 2 messuages, 2 gardens, 20 acres of land, 15 acres of meadow, and 10 acres of pasture in Mancote and Hawarden in Flint, and covenanted that the premises should after his death come to Peter Dutton with remainders as before. And Peter and Elizabeth being seized of above, said Peter died at Aldford in Cheshire May 30, 35 Elizabeth (1593), and Elizabeth survives at Walton, co. Lanc. After Peter's death said John Dutton entered the premises, and in consideration of a marriage between John Dutton, son and heir of Thomas Dutton, then heir of the said John Dutton of this inquisition and Elizabeth Egerton, one of the daughters of sir Thomas Egerton, knt., deceased, son and heir of sir Thomas Egerton, lord Ellesmere, lord chancellor of England, and in fulfilment of covenants contained in their marriage settlement, dated January 30, 3 James I. (1605-6), between Thomas Egerton, lord Ellesmere, of the first part, and John Dutton and Thomas Dutton his heir of the second part, and sir John Egerton, K.B., son of said lord Ellesmere, sir George Booth, of Dunham Massey, knt., and George Horsford, of Newborough, esq., of the third part, a fine was levied at Chester Tuesday April 29, 4 James I. (1606),

between them by which said lands were settled to the use of said John Dutton, senr., for life, and then the parcel of land in Dutton called the Great Clays, and another called the Parson's Croft, and another called Mainestones, and another in Dutton and Aston the Course, parcel of the premises to the use of Elizabeth Egerton for life, and then to John Dutton, junr., son of Thomas Dutton, and then to Thomas Dutton, son of John Dutton, senr., until the son of said John Dutton, junr., come of age, with other parcels of land named. And if John Dutton, junr., should die after marriage with Elizabeth without heir male, then after the death of John Dutton, senr., and Thomas Dutton, son of said John, without heirs male, then John Egerton and the others to be seized of the premises in Claverton and Littleton to the use of Elizabeth Egerton for her life, and after to the uses before expressed. And the said John Dutton, senr., named in this inquisition, died at Dutton January 30 last past (1608-9). And before John Dutton, junr., son of Thomas Dutton, came of age, he died February 9 last past (1608-9) at Tarvin without heir male. And Elizabeth Egerton, late wife of John Dutton, survives at Dutton. And Thomas Dutton is son and heir of John Dutton, senr., and 40 years of age. (Chester inquisitions, 7 James I., No. 3.)

Thomas Dutton, esq., the last of the Duttons of Dutton. Writ dated February 17, 1614-15, to enquire after the death of Thomas Dutton of Dutton, esq. Inquisition taken at Northwich, in Cheshire, March 6, 1614-15. Before . . .* and bart., sir Peter Leigh, knt., Edward Fitton, esq., Henry Mainwaring, esq., escheator, and Ralph Wilbraham, esq., feodary of Cheshire. By the oath of George Holford of Newbrooke, esq., John Bruen of . . .* Richard Marbury of . . .* Ralph Litler (or Latler) of Wallerscott, gent., Hugh Crosby of Over Whitley, gent., Edmund Moulesworth of Wyneham, gent., John Allen of Nether Whitley, gent., Randle Farrar of Acton, gent., James Roe of the same, Julius Wynnington of Birches, gent., Thomas Whitley of Whitley, gent., Edward Harper of High Leigh, gent., William Morris of Groppenhall, gent., Richard Heath of Weston, gent., John Hatton of Layford, gent., Richard Granvill of . . .,* gent., Gilbert Middleton . . .,* Philip Downes of Tofte, gent., Edmund Howle of Ollerton, gent., William Massie of Thelwalle, gent., John Middlehurst of Lachford, gent., and Robert Pearson of the same, gent., jurors. They find that he died possessed of 1,000 messuages, 8 salt-pits, 6 mills, 3 dovecotes, 1,000 gardens, 10,000 acres of land, 4,000 acres of meadow, 10,000 acres of pasture, 3,000 acres of wood, 3 . . . ,† 2,000 acres of furze and heath, 2,000 acres of turves, 1,000 acres of water, and 30s. of rent with the appurtenances. The places, etc., are enumerated in the following table compiled from the inquisition. (The returns of property given in these inquisitions are inexplicable to modern enquirers without some clue to the system upon which the valuation was made. It will be seen that the possessions, of which particulars are given in the table, represent only a fraction of

* Membrane mutilated at top.

† This gap occasioned by the mutilation, should, according to the fine levied, be filled with 3,000 acres of moor and 2,000 acres of marsh, although three of the above amounts are less in the fine, but the deficiency may represent the property which Thomas Dutton reserved from the Gerard settlement for the by-deed of November 14, 1614, for payment of annuities to servants with a remainder to lady Gerard.

the above, and yet they are all that are thus particularly enumerated, which is invariably the case in such documents. The eight salt-pits owned by Thomas Dutton are not mentioned in the particulars, although they must then, as now, have been a considerable source of income, as salt is the staple industry of Northwich. The amount at which the valuation was made appears to have been nominal and never increased.

The inquisition recites an indenture *tripartite*, dated Jan. 7, 1610-11, between 'the most noble' Sir Thomas Gerard, knt., lord Gerard, of Gerard's Bromley, Staffs, of the first part; Thomas Dutton of Dutton, esq., of the second part; Sir Peter Leigh, of Lyme, in Cheshire, knt., and Sir George Booth, of Dunham Massey, Cheshire, knt., and since bart., Ralph Ashton, of Lever, esq., and James Anderton, of Lostock, Lancs., esq., deceased, of the third part. A fine was levied April 1, 1611, in the court of Chester between Thomas Dutton and the parties forming the third part of the above, of 1,000 messuages, 8 salt-pits, 6 mills, 3 dovecotes, 1,000 gardens, 9,000 acres of land, 3,000 acres of meadow, 9,000 acres of pasture, 3,000 acres of wood, 3,000 acres of moor, 2,000 acres of marsh, 2,000 acres of furze and heath, 2,000 acres of turves, 1,000 acres of water, and 30 librates of rent in the places mentioned, with the advowson of the chapel of Poolesey and of the vicarage of Stoke, and the advocateship of the Cheshire minstrels, and the free fishery in the waters of the Dee, Mersey, and Weaver. To the use of Thomas Dutton, for his life, with an entailment upon any male issue he might have to the tenth son. Then to the use of sir George Booth, bart., John Warren, of Poynton in Cheshire, esq., John Bruen, of Stapleford in Cheshire, esq., and Humphrey Davenport, of Gray's Inn, Middx., esq., and the survivor, until such female who may happen to be the wife of Thomas Dutton at the time of his death shall be heavy with one or more boy or boys, to the use of such one or two sons. In default to dame Eleanor Gerard, wife of Sir Gilbert Gerard, of the order of the Bath, son and heir apparent of lord Gerard and her issue. In default to Thomas Dutton's heirs. Recites a further indenture dated Nov. 14, 1614, between Thomas Dutton of Dutton, esq., and sir George Booth, bart., by which Thomas Dutton assigns to sir George Booth certain lands for a term of 100 years to pay the following annuities to his servants: To Matthew Browne, gent., for his dutiful service done, £10 yearly. To John Thomason, Alice his wife, and John his son, 40 marks yearly for their lives, and the longest liver of them. Residue to Thomas Dutton's wife for her life, with remainder to his daughter, lady Gerard. The jurors find that Thomasine, widow of Thomas Dutton, was not at the time of his death, nor still is, heavy with a boy or boys, as upon certain evidence on that behalf to them it appears. That he died December 28, 1614, without leaving heir male of his body lawfully begotten. That dame Eleanor Gerard, wife of sir Gilbert Gerard, K.B., is daughter and next heir, and is of age eighteen years and more* at the time of this inquisition. Jurors' names appended. (A long document in Latin. Chester inquisitions, 12 James I., No. 2.) The Schedule of Thomas Dutton's possessions compiled from the Inquisition is as follows:

* Meaning in her nineteenth year.

DESCRIPTION OF POSSESSION.	OF WHOM HELD.	BY WHAT TENURE.	NET ANNUAL VALUE.
Manor of Dutton, etc., with the advowson of the chapel in Dutton	Sir Thomas Holcroft, knt., of his manor of Weaverham	In socage and by a rent of 2s. per annum	£40
Manor of Preston-on-the Mount (now Preston Brook)	Sir Thomas Savage, knt., of his manor of Frodsham	In socage and by a rent of 8s. per annum	£24 12s.
Manor of Weston by Runcorn and 8 acres of lands in Clifton	The king's manor of Halton	Unknown	£22
Four-sevenths of the manor of Arrowe	The king, in chief	By knight's service, 40th part of a knight's fee	£2
Manor of Acton	Sir Thomas Holcroft, knt., of his manor of Weaverham	By knight's service, 20th part of a knight's fee	£14 8s.
Lands and tenements in Stoke	The king, in chief	By knight's service, 30th part of a knight's fee	£6
Lands and tenements in Northwich	The king, as earl of Chester	In socage	13s. 4d.
Two messuages, 10 acres of land, 10 acres of pasture, and 2 acres of meadow in Middlewich	Unknown	Unknown	10s.
Four acres of land in Moore	The king's manor of Halton	In socage	1s. 8d.
Rent of 6s. per annum issuing out of the lands of Lawrence Starkey	Unknown	Unknown	6s.
Advowry of Cheshire minstrels	The king, in chief	By knight's service, 40th part of a knight's fee	8d.

DESCRIPTION OF POSSESSION.	OF WHOM HELD.	BY WHAT TENURE.	NET ANNUAL VALUE.
Manors of Nesse and Barterton	The king, as earl of Chester	By knight's service, 20th part of a knight's fee	£45 5s.
Manor of Leigh	William, earl of Derby, of his manor of Hawarden	In socage by fealty and rent of 26s. 8d. per annum	£25 18s.
Lands and tenements in Onston	The king, as earl of Chester	By knight's service, 40th part of a knight's fee	£4
Manor of Hapsford and lands and tenements in Stony Dunham	Earl of Arundel	By knight's service, 40th part of a knight's fee	£21
Lands and tenements in Waverton	The heirs or assigns of John Pigott	By one sparrowhawk or 12d. per annum	£2
Manor of Littleton *alias* Little Christleton	Unknown	In socage by fealty	5s.
Eighty acres of land in Claverton	The king, in chief, as earl of Chester	By knight's service, 30th part of a knight's fee	£8
Premises in Picton, Helsby, and Aston	Unknown	Unknown	£1
Free fishery in the waters of the Dee, Mersey, and Weaver	Unknown	Unknown	3s. 4d.
Advowsons of the chapel of Poolsey and of the Vicarage	Unknown	Unknown	1s.

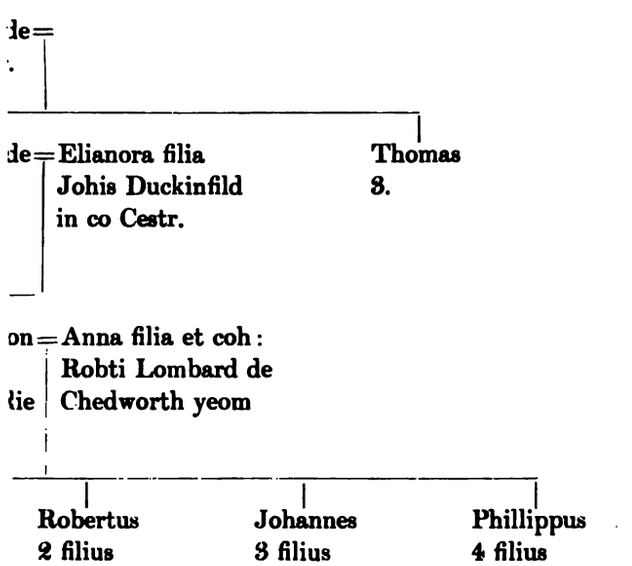
Edward Dutton of Hatton, esq. Inquisition (no writ) taken at Chester castle April 17, 19 James I. (1621), to enquire respecting the possessions of Edward Dutton of Hatton, esq., before Hugh Mainwaring, esq., escheator, and Peter Daniel, esq., feodary. By the oath of Edward Tannot, of Broxton, gent., Thomas Partington, of Cotton, gent., Hugh Massey, of Edgeley, gent., Richard Bredd, of Broxton, gent., John Edwards, of Chevely, gent., William Davenport, of Broughton, gent., Thomas Ball, of the same, gent,, Francis Hawarden, of the same, gent., John Asbrooke, of Tattenhall, gent., William Rosingeare, of Waverton, gent., Ralph Astley, of Golborne Belleau, gent., John Aldersey, of Ogden, gent., William Healy, of Newton, gent., Henry Phillips, of Christleton, gent., Edward Brian, of the same, gent., Thomas Gregory, of the same, gent., and James Hancock, of . . ., jurors. Recites the indentures executed by Edward Dutton's father, Rowland Dutton, as set forth in Rowland Dutton's inquisition. Mary, late wife of Edward Dutton, is living at Hatton. And Edward Dutton had by her two younger sons and four daughters, viz., Thomas, Richard, Mary, wife of John Bostock, gent., Anne, Eleanor, and Jane, who are all now living at Hatton. Edward Dutton died January 17 last past (1620-21), and Peter Dutton is his son and heir, and of the age of nineteen years and three months on the day of taking this inquisition. (Chester inquisitions, 19 James I., No 2.)

Lawrence Dutton. Inquisition (no writ) taken at Cirencester, Gloucester, July 28, 1637, to enquire respecting the decease and possessions of Lawrence Dutton, gent., before Hugh White, escheator. By the oath of More Gwillim, gent., Edward Wood, Thomas Clutterbuck, George Lawrence, William Groves, John Man, John Worram, William Taylor, Thomas Litton, Michael Sluvenger, John Acton, John Wood, and Samuel Spencer, jurors. They say that said Lawrence was seised of and in 3 messuages, 3 gardens, 3 orchards, 50 acres of land, 12 acres of common, etc., in Chedworth, Gloucestershire, known as the 'Deanes lands in Leycester,' including lands of Robert Lombard, formerly purchased of Thomas Rogers by said Lawrence. And that the 'deanes lands in Leycester' are held of the King as of his manor of Enfield, Middlesex, by fealty and a yearly rent of 2s. 9d. in free and common socage not in chief, worth 40s. p.a. And the premises of Robert Lombard are held of the lord of the manor of Chedworth in socage by fealty, suit of court and yearly rent of 4s. for all services, worth 13s. 4d. p.a. Said Lawrence died October 31, 1637, and William Dutton, gent., is his son and heir, and was thirty years of age and more at the time of the death of his said father. Signed by the escheator. (Miscellaneous inquisitions, 13 Charles I., part 33, No. 91.)

Peter Dutton, of Hatton, esq. Inquisition (no writ) to enquire after the death of Peter Dutton, of Hatton, esq., taken at Chester castle March 26, 14 Charles I. (1639), before Thomas Aldersey, esq., escheator. By the oath of John Edwards, of Boughton, gent., John Golborne, of Christleton, gent., John Maddocks, of Rowton, gent., Henry Philips, of Christleton, gent., Ralph Sellars, of Christleton, gent., John Cotgreave, of Christleton, gent., Robert Walker, of Aldersey, gent., Richard . . ., of Aldersey, gent., John Aldersey, of Ogden, gent., Richard Edge, of Tattenhall, gent., Ranulph Mad-

:th Branches of the Duttons of Dutton
23.

ı the Heralds' College.)



(Signed) L . . . DUTTON.

(*To fold at p.* 228.)

docks, of Edge, gent., William Pyke, of Kingsley, gent., and Hugh Calveley, of Milton Green, gent., jurors. They find that previous to the death of Petter Dutton one Edward Dutton, esq., his father, was seized of the whole of the estate and conveyed them by deed, dated September 20, 17 James I. (1619), to the said Peter Dutton. Certain lands to be to the use of Mary, then wife of Edward Dutton, and another of said Peter for life as jointure, remainder in tail to eldest son of said Peter by Margaret his wife. Other lands in jointure to said Margaret. Edward Dutton died January 17, 18 James I. (1620-1), and Mary his wife is still living at Calveley. And Edward Dutton had two younger sons and four daughters, viz., Thomas and Richard, Mary Bostock, Anne, Eleanor and Jane, and all living except Thomas. Peter Dutton died December 31 last past (1638), and Peter Dutton is his son and heir, and is thirteen years, eight months, and two days old. And Margaret his wife survives, and is living in the city of London, And Peter had two younger sons and four daughters, viz., Robert and Thomas, Mary, Elizabeth, Martha, and Alice, all living at Hatton, and none of the daughters are married, or have received any portion of the £500 to each of them appointed. The estate as set forth comprises the manor of Hatton, held of the king by a rent of 12d., and worth £20. The manor of Waverton, held of John Pigott, esq., by rent of a sparrow hawk, or 12d., and worth 20 marks. The manor of Chorley. The manor of Bolesworth, held of lord Brereton, and worth 40s. The manor of Broxton, held of the same, worth £14 15s. 6d. A moiety of the manors of Great, Middle, and Crook Aldersey, held of the same, worth £5 0s. 8d. The manors of Golborne Belleau, and Rushall, held of Peter Egerton, esq., for one-twentieth of a knight's fee, worth 20 marks. A messuage, 10 acres of lands, 4 acres of meadow and 6 acres of pasture in Pulford, called Pulford Wood, held of the king for one-thirtieth part of a knight's fee, and worth 20s. Two messuages, 16 acres of land, 6 acres of meadow and 8 acres of pasture in Tattenhall, held of Peter Egerton by rent of 4s. 2d., and worth 20s. 4d. A messuage, 40 acres of land, 8 acres of meadow and 12 acres of pasture in Newton juxta Tattenhall, held of the same for one-fortieth part of a knight's fee, and worth 41s. 2d. A messuage, 12 acres of land, 4 acres of meadow and 6 acres of pasture in Norbury juxta Marbury, and 12 acres of pasture in Norbury, held of Robert Viscount Cholmondeley by fealty and suit of court, and worth 17s. A cottage, 8 acres of land, 4 acres of meadow and 6 acres of pasture in Great Barrow, and 8 acres of land in Little Barrow, held of John Viscount Savage by fealty, and worth 16s. 8d. Twelve acres of meadow in Milton, in Hanley, held of the heirs of Thomas Marbury, deceased, and worth 6s. . . . d. A messuage, 10 acres of land, 4 acres of meadow and 8 acres of pasture in Allostock, held of the king, and worth 14s. 6d. Three acres in Nether Peover, held by one-hundredth part of a knight's fee, and worth 2s. 8d. Two cottages in Alvanley, held of the king by fealty, and worth 4s. A messuage, 20 acres of land, 2 acres of meadow and . . . acres of pasture in Elton juxta Ince, held of the king by fealty and a rent of 12d., and worth 18s. (Chester inquisitions, ward and liveries, Bundle 61, No. 62.)

Chronological list of Dutton entries from the Chester Recognizance rolls,

1307-1629.

(Derived from the reports of the Deputy keeper of Public records.)

1307. Sir Peter de Dutton, knt., to William de Donecaster, recognizance for £23 18 4. (1-5 Edw. II., m. 2, 3.)

1356-7 (Jan. 18). Thomas de Dutton to Walter de Weaverham, prior of the church of St. Mary, Norton, recognizance for 106s 8d. (30-31 Edw. III., m. 1*d*, 6, 7.)

1367-8 (Jan. 20). Sir Thomas de Dutton, knt., Richard de Whitley and Thomas Touchet to the earl of Chester, recognizance for £36 13 4, a fine for the alienation by Hugh de Dutton to William de Frodsham, for the manor of Nesse. (41-42 Edw. III., m. 3*d*, 4.)

1381 (June 21). Lawrence, son and heir of sir Thomas de Dutton, knt., writ to the escheator of Chester for livery to, of the said Thomas, which he had given to Henry and Lawrence his sons to hold during the life of the said Thomas. (4-5 Ric. II., m. 1*d*, 2.)

(June 18). Sir Lawrence de Dutton, knt., pardon to, for the alienation by sir Thomas de Dutton, knt., his father, of the manor of Nesse in Wirrall to Henry and Lawrence de Dutton his sons. (*Ibid.*, 3, 4.)

1386. Agnes Dutton, prioress of the nuns of Chester, certificate of the death of.

1389-90 (Jan. 3). Philippa Dutton, who was the wife of sir Thomas de Dutton, knt., writ '*Diem clausit extremum*' on the death of. (13-14 Ric. II., m. 2, 7.)

1389-90 (Feb. 6). Peter de Dutton and John del Hall, of Chester, to Richard Dunfull, of Chester, recognizance for 40s. (13-14 Ric. II., m, 2, 2.)

1389-90. Philippa Dutton, who was the wife of sir Thomas de Dutton, knt., and sometime wife of sir Peter de Thornton, knt., summary of an *Inquisitio post mortem* on the death of. (See *ante*, p. 200.)

1390. Lawrence Dutton, son and heir of Ellen, who was the wife of sir Thomas de Dutton, knt., writ of livery to.

1390. William Dutton, receiver of the counties of Lancaster and Chester.

1391 (Oct. 10). William de Dutton, to Thomas de Haxey, prebendary of Tarvin, recognizance for 13½ marks. (15-16 Ric. II., m. 1, 2.)

1391. Lawrence de Dutton, commission of, to levy a subsidy.

1392 (Aug. 2). Sir Lawrence de Dutton, knt., and Richard de Aston, knt., commission of to arrest all disturbers of the peace in the hundred of Bucklow, great complaints having reached the king of the evil doing of the same. (15-16 Ric. II., m. 8*d*, 6.)

1392-3 (Jan. 30). Sir Lawrence de Dutton, writ '*Diem clausit extremum*' on the death of. (See *ante*, p. 201.)

1392-3 (March 20). Margaret Dutton, who was the wife of sir Lawrence de Dutton, sir John de Mascy, of Puddington, knt., Richard de Wynynton, knt., and Ralph de Vernon, knt., to the king, recognizance for £20, a fine for a pardon of an alienation made by the said Lawrence Dutton to Richard de Ins, vicar of the church of Tarvin, John de Marbury, chaplain, and William Cay, chaplain, of 12 messuages, 16 bovates of land, 10 acres of meadow, and 20 acres of moor in Stoke in Wirrall and Picton, and of 4 parts of 7 parts of the manor of Arrowe, held in capite of the earl of Chester, and for the re-enfeoffment of the said Margaret and Lawrence, of the same. (16-17 Ric. II., m. 3, 5, 6.)

1392-3 (March 20). Sir Lawrence de Dutton, knt., writ '*De melius inquirendo*' touching the possessions of. (See *ante*, p. 201.)

1393 (May 21-22). Peter Dutton, son of Edmund, brother of sir Lawrence de Dutton, knt., writs for livery to, of all the possessions of which the said Lawrence, his uncle died siezed, saving to Margaret his wife her dower. (16-17 Ric. II., m. 4, 2, 3, 4.)

Peter de Dutton, Ralph de Vernon, knt., John de Mascy, of Puddington, knt., and John de Burghes to the king, recognizances for the relief of the said Peter. (*Ibid.*, 5.)

1393 (June 5). Lawrence de Dutton, Hugh and Peter de Dutton, Ralph de Vernon, knt., and Adam de Bostock, to the king, recognizance for 20 marks for a pardon for the alienation by Richard de Ins, vicar of Tarvin, John de Marbury, and William Cay, chaplains, to Lawrence de Dutton, of the manor of Preston, held as of the manor of Frodsham and of 1 burgage and 3 saltpits in Northwich, '*per medium*' as of the borough of Northwich, to hold to the said Laurence for life, reversion to the said Hugh. (16-17 Ric. II., m. 4, 7, 8.)

1393. Sir Lawrence de Dutton, knt., 'Les Frithes,' in the commote of Nanconeway held by, for life.

1394. William de Dutton, clerk, power of attorney to.

1395 (Dec. 8). Peter Dutton, son of Edmund, grant to, of the wardship and marriage of Lawrence, son and heir of John de Burghes. (19-20 Ric. II., m. 1*d*, 7.)

(Dec. 9). Peter de Dutton, sir Robert de Legh, knt., and Peter, son of Robert de Legh, to the king recognizance in 100 marks for the abovesaid wardship and marriage. (19-20 Ric. II., m. 1*d*, 6.)

1396. Roger de Dutton, sheriff of the city of Chester.

1396. Margaret Dutton, who was the wife of Lawrence de Dutton, dower of, valued at £12 4 4 yearly; of the lands held of the king by the said Lawrence, which lands were valued at £36 13 4. (20-21 Ric. II., m. 1, 2.)

1396. Margaret Dutton, who was the wife of Lawrence de Dutton, makes fine in £12 4 4 for marrying sir William de Par, knt., without license; sureties, Richard de Manlegh and Hugh de Dutton. (20-21 Ric. II., m. 1, 3.)

1396-7 (March 8). Roger de Dutton, of Chester, William de Kyrkeby, of Chester, glover, Richard de Frodsham, of Chester, conifer, Richard de Honkylowe, of Chester, tailor, Richard Byron, of Chester, webster, and Edmund Hastyng, conifer, to Robert Parys, chamberlain of Chester, recognizance for £14. (20-21 Ric. II., m. 5, 5.)

1397 (Sept. 28). Peter de Dutton, esq., grant to, of an annuity of 40 marks, the king having retained him in his service for life; allusion is made to a former grant of the annuity which had not been executed. (21-22 Ric. II., m. 37*d*, 7, 8.)

1397 (Oct. 2). Peter de Dutton, appointment of, as a constable of the castle of Chirk, during pleasure. (21-22 Ric. II., m. 16*d*, 8, 9.)

1397 (Dec. 12). Peter Dutton, son of Edmund de Dutton, surety for John Brickhill, to whom the king had granted, for life, the mill of Adycrosse within the town of Flint, and who was to answer for the value of the same beyond 4 marks yearly. (21-22 Ric. II., m. 4*d*, 3.)

1397-8 (Jan. 12). Henry Dutton, son of Roger de Dutton, indicted for felony, finds sureties for his good behaviour, viz., John Nicksone, William de Alkemundelowe, Thomas de Burghes, and John del Wode. (21-22 Ric. II., m. 10*d*, 29.)

1398-9 (Jan. 18). Peter de Dutton and Peter de Legh to Joan, who was the wife of John de Leicester, and John Marshall, chaplain recognizance for 40 marks. (22-23 Ric. II., m. 7*d*, 11.)

1398-9 (Feb. 24). Peter de Dutton, commissioned to raise archers for the king's service.

1400. Peter de Dutton, land in Dereslegh held of.

1402. Ralph de Dutton, collector of a subsidy in the hundred of Edisbury.

1403 (May 30). Sir Peter de Dutton, knt., Peter de Warberton, John de Legh del Bothes, and William de Leycestre, commission of, to take horses in the hundred of Bucklow, at a just valuation, for the use of the gentlemen and yeomen who were about to accompany the prince to North Wales, sureties to be given by the said gentlemen and yeomen for the payment of the said horses. (3-4 Hen. IV., m. 7*d*, 10.) Like commissions were issued for every hundred of the county of Chester.

1403 (Oct. 11). Hugh de Dutton, Richard de Spurstowe, William le Rotor, Roger le Brueyn, and Ralph de Dutton, appointment of, as commissioners of array in the hundred of Edisbury. (4-5 Hen. IV., m. 1, 4.)

1403. Robert de Dutton, collector of a subsidy in the hundred of Nantwich.

1403-4 (Jan. 11). Sir Peter de Dutton, knt., writ of Henry prince of Wales, commanding the said Peter to hasten to take up his abode on the Marches of Wales, and there to make defence against the coming of Owen Glendower in compliance with an order of council enacting that, on the occasion of war against the king and realm of England, all those holding possessions on the Marches nearest to the enemy should reside on the same for the defence of the realm. (4-5 Hen. IV., m. 4, 2.)

Ralph de Dutton, and Thomas de Beeston, claim of the said Ralph to part of the possessions of the said Thomas.

Sir Peter de Dutton, knt., commissioner of array for the hundred of Bucklow.

Hugh de Dutton, commissioner of array for the hundred of Edisbury.

1405. Hugh de Dutton, commissioned to conduct men-at-arms to the Marches.

1407. Sir Peter de Dutton, knt., livery of the inheritance of Ellen Bate out of the custody of the said Peter.

1409 (Dec. 20). Sir Peter de Dutton, knt., sir William de Stanley, knt., John Savage, John de Eulowe, sir Richard de Aston, knt., sir John de Pull, knt., Thomas de Warberton, of Halton, Hamo de Mascy of Puddington, John de Whitemore, William del Hope, of Chester, and John de Capenhurst, to Henry prince of Wales, recognizance in £3,000 that the said Peter de Dutton, William de Stanley, John Savage, and John de Eulowe keep the peace towards William de Venables, of Kinderton, and Randal de Mainwaring. (10-11 Hen. IV., m. 2, 1.) William de Venables, of Kinderton, Randal le Mainwaring, sir Laurence Fyton, knt., sir John de Pull, chevalier, Hugh de Davenport, Robert le Chamberlein, of Chester, Richard de Mascy, of Podynton, Henry de Spurstowe, Hugh de Venables, of Golburn, Ralph de Holand, Roger le Bruyn, and John de Mascy, of Coton, counter-recognizance. (*Ibid.*, 2.)

1410 (April 4). Sir Peter de Dutton, knt., writ '*ad quod damnum*' to the escheator for the county of Chester on the petition of the said Peter to be allowed to enclose and impark his wood, called Dutton park, and 40 acres of arable land adjacent called Pulsay and Pulsay Eghes, within his manor of Dutton, without the bounds of the prince's forest, and 200 acres of meadow and wood in Acton, within the bounds of the forest of Delamere, and to make one park thereof (10-11 Hen. IV., m. 3*d*, 9.)

1411-12. Thomas Dutton, esq., grant of an annuity to.

1412. Peter de Dutton, commissioned to elect a mayor for the city of Chester.

1414 (Aug. 17). Ralph de Dutton and Richard de Inglefield, recognizance in £20 that John de Dutton, otherwise John de Bryndeley, keep the peace towards Jevan de Blaken. (1-2 Hen. V., m. 6, 5.)

1415 (April 5). Sir Peter de Dutton, knt., sir George de Carynton, knt., Thomas de Mascy, of Tatton, Richard de Warburton, William Daniel, of Daresbury, and William de Holford, commission of, to collect a subsidy in the hundred of Bucklow, part of a subsidy of 3,000 marks granted to the king by the county of Chester. (3-4 Henry III., m. 6, 5.)

1415 (June 19). Thomas de Dutton, grant to, of the custody of the possessions late of Hugh le Venables, of Kynderton, during the minority of the next heir, together with the wardship and marriage of the said heir. (2-3 Hen. V., m. 5*d*, 2.)

1415 (Oct. 1). Sir Peter de Dutton, knt., lease to, of the town of Northwich with the mills and oven, pleas of courts and all other issues; for 6 years at £48 yearly, on the mainprise of Hugh de Dutton and John Donne, of Utkinton, senior. (3-4 Hen. V., m. 1, 1.)

1416 (Aug. 1). Hugh de Dutton, sir Peter de Dutton, knt., sir John Savage, knt., and Reginald del Donnes, to the king, recognizance for £100 that the said Hugh keep the peace towards John le Bruen, of Tarvin. (3-4 Hen. V., m. 8*d*, 2.)

1416 (Aug. 17). Hugh de Dutton, to the king, recognizance in £100 to abide the award of sir Peter de Dutton, knt., sir John Savage, knt., sir William de Brereton, knt., and John Donne, of Utkinton, senior, touching all disputes between the said Hugh and John le Bruen, of Tarvin. (3-4 Hen. V., m. 8*d*, 7.)

1417 (April 6). Thomas de Dutton, grants to John Boteler and William Pope £60 yearly to be received for 3 years out of the profits of the manors, lands, etc., late of Hugh le Venables, of Kinderton, in the king's hands, by reason of the minority of Hugh, son and heir of the said Hugh, the same money to be expended in liquidating the debts incurred by the said Thomas on the king's voyage to Harfleur. (5-6 Hen. V., m. 2*d*, 3.)

1417 (July 6). Sir Peter de Dutton, knt., Richard, son of John de Warburton, and John Boydell, to Thomas Stanley, recognizance for 40 marks. (4-5 Hen. V., m. 5*d*, 12.)

1417 (Aug. 7). Hugh de Dutton, John del Lee, and William de Venables, of Troghford, to Thomas Haxey, prebendary of Tarvin, recognizance. . . . (4-5 Hen. V., m. 8, 6.) Record imperfect.

1418 (April 1). Sir Peter de Dutton, knt., grant to, of the custody of two parts of all the lands, etc., which were of Hugh de Venables of Kinderton, during the minority of Hugh, son and heir of. (5-6 Hen. V., m. 6, 4.)

1418 (April 5). Hugh de Dutton, sir Peter de Dutton, knt., and sir John Savage, knt., to the king, recognizance in £100 that the said Hugh and John de Billesfeld, vicar of the church of Tarvin, abide the award of sir John de Stanley, knt., sir Peter de Dutton, knt., and sir John Savage, knt., touching all disputes pending between the said Hugh and John de Billesfeld, and John le Bruen, of Tarvin. (5-6 Hen. V., m. 3*d*, 9.)

1418-19 (Feb. 17). John de Dutton, and Margaret his wife, and John de Macclesfield, junior, grant and livery to, of land called 'Hurdesfeld,' within the forest of Macclesfield, the said John, Margaret and John, to prosecute a traverse of an inquisition upon which the said land was taken into the king's hands, and to render up the profits of the land should it be adjudged to the king; sureties, Hugh de Knottesford, Edmund del Sherd, Richard del Hall, of Christelton, and William de Eggerton, of Christelton. (6-7 Hen. V., m. 4*d*, 1, 2.)

1419 (March 30). Sir Peter Dutton, knt., Thomas de Warburton, and John Starky, of Northwich, to the king, recognizance in 40 marks. (6-7 Hen. V., m. 3*d*, 1.)

1419 (June 9). Hugh de Dutton, to the king, recognizance in £40 to keep the peace towards John Bruen, of Tarvin, and to abide the award of James del Holt and William Troutbeck, armiger, touching all disputes between the said Hugh and John. (6-7 Hen. V., m. 7, 5.)

1419 (Sept. 27). Sir Peter de Dutton, knt., Hugh de Dutton, John Donne, of Utkinton, senior, and Richard de Warburton to the king, recognizance in £100, that the said Peter abide the award of sir John Savage, knt., James del Holt, and William Troutbeck, touching all disputes pending between the said Peter and sir John de Stanley, knt. (6-7 Hen. V., m. 9, 5.) Sir John de Stanley, knt., Robert de Davenport, William de Honford, and Randal de Brereton, counter recognizance to the above. (*Ibid.*, 6.)

1419 (Sept. 27). Sir Peter de Dutton, knt., John Donne, of Utkinton, senior, Hugh de Dutton, Richard de Warburton, Richard de Bulkeley, of Cheadle, and John

Starky, of Northwich, to sir John Savage, knt., recognizance in £500 that the said Peter abide the award of James del Holt and William Troutbek, touching all disputes between him and John Savage. (6-7 Hen. V., m, 9, 10.) Sir John Savage, knt., John de Legh, of Legh, John, son of Richard de Legh, William de Honford, Richard de Chaderton, of Tymporlegh, Robert Davenport, and John Boydel, to sir Peter de Dutton, knt., counter recognizance to the foregoing. (*Ibid.*, 11.)

1420-1 (March 12). Hugh de Dutton, William le Warde, of Horton, Margaret, who was the wife of John de Thomas, son of Ughtred de Huxley, Ralph Dodde, John de Eddesley, of Tosyncham, and John Madoc, of Tosyncham, to William Troutbek, recognizance for £30. (8-9 Hen. V., m. 4, 5.)

1421. Sir Lawrence de Dutton, knt., licence of alienation.

1421 (Oct. 2). Hugh de Dutton, commission of, as sheriff of the county of Chester, during pleasure. (9-10 Hen. V., m. 1, 4.) Livery to, of the above office. (*Ibid.*, 5.)

1423 (Dec. 14). Hugh de Dutton, sheriff of the county of Chester, Hugh de Knottesford, John de Davenport, of Davenport, serjeant of the peace in the hundred of Macclesfield, and Robert de Davenport, commission of, for the arrest of Geoffrey, son of Ralph Mascy. (2-3 Hen. VI., m. 2, 8.)

1426 (April 24). William de Dutton, sir Peter de Dutton, knt., Hugh de Dutton, William Danyell, of Deresbury, and Richard de Warburton to the king, recognizance in £100 as sureties for the said William keeping the peace towards John, abbot of Norton, and Richard del Wode, of Halton. (4-5 Hen. VI., m. 4, 1.)

(April 22). A like recognizance in 1,000 marks for the others mentioned in the foregoing recognizance. (*Ibid.*, 2.)

1426 (June 3). Sir Peter de Dutton, knt., and Hugh de Dutton, esq., to John, abbot of the monastery of St. Mary, of Norton, and Richard del Wode, of Halton, recognizance in £200 that the said Peter and Hugh, William, Richard, and Edmund, sons of the said Peter and John, Lawrence, Ralph, and Christopher, sons of the aforesaid Hugh and Henry de Hotun, abide the award of Robert Donne and John de Hawardyn, elected on their behalf, and of William Chauntrell and Hugh de Pemburton, elected on behalf of the said abbot and Richard del Wode and William de Davenport, touching all disputes pending between them and the said abbot and Richard. (4-5 Hen. VI., m. 2*d*, 1.) Counter recognizance to the above. (*Ibid.*, 2.)

1426 (Dec. 11). John de Dutton, of Hatton, John Wallshe, of Chester, John Mascy, of Preston, and William de Hawardyn, of Chester, junior, to the king, recognizance for £40 as sureties for William, son and heir of William del Hope, of Chester. (5-6 Hen. VI., m. 2, 4.)

1427 (April 10). Sir Peter de Dutton, knt., Hugh de Dutton, John Donne, of Utkinton, junior, John de Moldeworth and Thomas de Mulynton, to the king, recognizance in 500 marks that the said Peter and Hugh and William de Dutton, Richard de Dutton, Edmund de Dutton, John, son of Hugh de Dutton,

Ralph de Dutton, Lawrence de Dutton, Christopher de Dutton, and Henry de Hoton, abide the award of Richard de Warburton and William Danyell, elected on their behalf, and Richard del Wode and Hugh de Pemburton on the part of the abbot and convent of St. Mary, of Norton, and William de Davenport, and the aforesaid Richard del Wode, touching all disputes between the said parties. (5-6 Hen. VI., m. 3, 1.)

1427 (April 10). John Dutton, son of Peter de Dutton, Richard Vernon, of Haselynton, John Boydell, of Lyme, John Masey, of Preston, John Moldeworth, Richard de Hokenhull, and Robert Domelawe, of Middleton, near Aston, to the king, recognizance in £100 that Robert Domelawe keep the peace. (5-6 Hen. VI., m. 3, 3.)

1427 (April 29). Sir Peter de Dutton, knt., John de Wetenhall, of Cholmondeston, and Robert de Dutton, of Chirchminshull, to William de Bulkeley, of Ayton, and Margaret, who was the wife of Edmund de Minshull, recognizance for £7 13 4. (5-6 Hen. VI., m. 3*d*, 4.)

1427 (July 15). Sir Peter de Dutton, knt., sir John de Honford, knt., Hugh de Dutton, of Hatton, Richard de Whelok, John de Legh del Bothes, and John, son of Hugh de Legh, to the king, recognizance for £176 13 4 for the farm of the lands which were of Hugh de Venables, of Kinderton. (5-6 Hen. VI., m. 5, 3.)

1429 (Dec. 22). Sir Peter de Dutton, knt., John and Hugh de Dutton, grant to, of the custody of the lands of William del Hope, of Chester, deceased, together with the wardship and marriage of William, his son and heir. (8-9 Hen. VI., m. 1*d*, 7.)

1430 (April 25). Hugh de Dutton, of Hatton, John de Dutton, of Hatton, John de Leycester, Robert Aby, vicar of Tarvin, Ralph Dod and Hugh del Clyve, to John Savage, knt., John Savage, Esq., Arnold Savage, Peter Doumville, and James de Legh, recognizance in £120. (8-9 Hen. VI., m. 3, 6.)

1430-1 (Feb. 28). Robert de Dutton, glover, Roger Derby, of Chester, and John del Wode, of Hondbrigge, to John del Dedwode, in the name of William de Croxton for £6 6 8. (9-10 Hen. VI., m. 1*d*, 13.)

1431 (April 12). Sir Peter de Dutton, knt., sir John Savage, knt., Hugh de Dutton, esq., and John Savage, esq., to William Venables, senior, and Eva, his daughter, recognizance for 500 marks that the said Peter abide the award of William Burley, vice-justice of Chester, William Troutbek, chamberlain of Chester, Randal de Brereton, William de Bulkeley, John Dedwode, and Richard Bolde, touching the title to the possessions which John, son of Randal, of Minshull, lately held in Chirchminshull. (9-10 Hen. VI., m. 3, 8.) William, son of Hugh de Venables, Richard de Bunbury, and Hugh de Ravenscroft, counter recognizance to the above. (*Ibid.*, 9.)

1431 (May 23). Hugh de Dutton, to John Hokes, recognizance for 100 marks. (9-10 Hen. VI., m. 3*d*, 2.)

1431 (Sept. 26). Sir Peter de Dutton, knt., Hugh de Dutton, esq., John, son of Hugh de Dutton, and William Danyell, of Deresbury, to William Venables, senior,

and Eva, his daughter, recognizance in 500 marks that the said Peter abide the award of William Burley, vice-justice of Chester, William Troutbek, chamberlain of Chester, Randal de Brereton, William de Bulkeley, John Dedwode, and Richard Bolde, touching the title to all the lands and tenements which John, son of Randall Minshull, held in Churchminshull, and also touching all disputes pending between the said Peter and Eva and Robert Donne. (9-10 Hen. VI., m. 2, 3.)

1431 (Sept. 26). Sir Peter de Dutton, knt., Hugo de Dutton, esq., John, son of Hugh de Dutton, and William Danyell, of Deresbury, counter recognizance to the foregoing. (*Ibid.*, 4.)

1431 (Dec. 21). Sir Peter de Dutton, knt., sir John Savage, knt., John de Leycestre, and Hugh de Dutton, armiger, to William de Venables, senior, and Eva, his daughter, recognizance for 500 marks that the said Peter abide the award of William Chauntrell, vice-justice of Chester, William Troutebek, chamberlain of Chester, Randal de Brereton, William de Bulkeley, John Dedwode, and Richard Bolde, touching the title to the lands which were of John, son of Randal Minshull, in Churchminshull. (10-11 Hen. VI., m. 1, 8; m. 1*d*, 4, 5; m. 2, 4, 5.)

1432 (Aug. 5). Sir Peter de Dutton, knt., William de Holford, John de Wetenhale, of Cholmondeston, and Henry de Spurstowe, to the king, recognizance that John de Kyngesley, armiger, keep the peace towards Adam de Bostock. (10-11 Hen. VI., m. 7*d*, 3.)

1432 (Dec. 17). Hugh de Dutton, sir Peter de Dutton, knt., sir Lawrence le Wareyn, knt., Randal le Maynwaring, senior, and sir John le Maynwaryng, knt., to William Venables, of Kinderton, recognizance in £40 that the said Hugh and Emma, his wife, make no waste on the lands and tenements which they held for term of life of the said Emma, of the inheritance of Hugh Venables, of Golburn. (11-12 Hen. VI., m. 1, 5.)

1433 (June 14). Sir Peter de Dutton, knt., and William Danyell, esq., to sir Laurence Wareyn, knt., recognizance in £440 8 2, that Arnold Savage and William de Legh abide the award of sir John de Stanley, knt., touching all disputes between them and sir Laurence le Wareyn, knt., and Robert, son of Robert de Davenport. (11-12 Hen. VI., m. 8, 2, 3.) Counter recognizance to the above. (*Ibid.*, 4, 5, 6; m. 8*d*, 1.)

1433 (Oct. 17). Sir Peter de Dutton, knt., writs '*diem clausit extremum*' on the death of. (12-13 Hen. VI., m. 1, 3, 4.) Directed to John le Bruen, escheator of Chester.

1433 (Oct. 24). John Dutton, son of Peter de Dutton, writ of livery, setting forth the finding of an inquisition, viz.: that sir Peter de Dutton, knt., died seized in his demesne as of fee, of 4 parts of 1 waste piece of land near 'Le Castellone,' in the city of Chester, held of the earl of Chester, in socage, and of no value; of a certain fishery, with 4 boats, in the Dee, called 'quatuor stall,' held of the earl of Chester in socage, and of the yearly value of 2^s; of 1 garden held by William de Redley, in 'Le Castellone,' held of the earl of Chester, in socage,

yearly value of 12^{d}; of 6^{s} 8^{d} rent issuing out of a tenement in 'Le Flesshe-monger lane,' called 'Bertlemewe Inne,' which sir John Bromley, knt., held; of 14^{s} rent issuing out of 1 messuage which John Ball held in Northgate-strete; of 8^{s} rent issuing out of 1 messuage which John Pull held in Breggestrete; of 5^{s} rent issuing out of 1 messuage which William Mayowe and Ellen his wife, and John her son, held in 'Le Castellone'; of 5^{s} rent issuing out of 1 messuage which Robert del Mere and Elizabeth his wife, held in 'Breggestrete,' and of 1 garden which Richard de Weston held in Northgate-street, of the yearly value of 6^{d}, and held of the earl of Chester, in socage; that the said Peter died on Wednesday next after the festival of St. Denis the martyr last past, and that John de Dutton was his son and heir, and of thirty years of age or more. (12-13 Hen. VI., m. 1*d*, 1.)

1433 (Oct. 24). John Dutton, son of Peter de Dutton, writ of livery, setting forth the finding of an inquisition, viz., that sir Peter de Dutton, knt., died seized in his demesne, as of fee-tail, of the manor of Dutton, of the gift and feoffment of John de Marbury and William Clay, chaplains, made to the said Peter and Elizabeth; that the said Peter survived the said Elizabeth; that he held the said manor of the abbot of Vale-Royal as of his manor of Weaverham, in socage, by the yearly service of 2^{s}, or 1 sparrow hawk, and that it was of the yearly value of 20 marks; that the aforesaid Peter and Elizabeth had issue one John de Dutton, then living; also that he died seized in his demesne, as of fee-tail, of the manor of Weston, near Runcorn, and of 4 acres of land in Clifton, which Robert de Dutton gave to one Hugh de Dutton and Joan his wife, and the heirs male of their bodies, and which on the death of the said Hugh and Joan descended consecutively to Thomas Dutton, son and heir of the said Hugh, and sir Laurence Dutton, knt., son and heir of the said Thomas; and the said Laurence died without issue, when the said manor and 4 acres descended to Peter de Dutton as heir to the said Laurence, viz., son of Edmund, brother of the said Laurence, and after him to John de Dutton, his son and heir; that the said Peter de Dutton held the said manor and 4 acres of land of Henry, cardinal, the bishop of Winchester, Henry, Archbishop of Canterbury, Thomas, bishop of Durham, sir Walter Hongreford, knt., sir Robert Babthorp, knt., and John Leventhorp, as of the manor of Halton, in capite by knight's service, and of the yearly value of £10; also that he died seized in his demesne, as of fee, of 4 burgages and 8 acres of land in Halton, of which 3 burgages and the 8 acres were held of the said cardinal archbishop, the bishop of Durham, sir Walter de Hongreford, knt., Robert Babthorp, and John Leventhorp, in socage as of the manor of Halton, and the other burgage, of the prior of the Hospital of St. John of Jerusalem in England, in socage and valued at 2^{s} yearly; also that he died seized in his demesne, as of fee-tail, of the manors of Nesse, near Barterton, in Wirrall, Barterton, and Legh, near Barterton, which one William de Frodsham gave by fine to Hugh de Dutton and Joan his wife, and the heirs male of their bodies; and which on the death of the said Hugh and Joan descended to Thomas de

Dutton, their son and heir, then to Laurence, son and heir of the said Thomas, and then to the said Peter as kinsman and heir of the said Laurence, to wit, son of Edmund, brother of the said Laurence, that on the death of the said Peter the said manors descended to John de Dutton, as son and heir of the aforesaid Peter; that the manors of Nesse and Barterton were held of the king, as earl of Chester, in capite by knight's service, and the manor of Legh of dame Katherine, queen of England, in socage; that the manor of Nesse was of the yearly value of 10 marks, the manor of Barterton of 100^{s}, and the manor of Legh of £10; also that he died seized in his demesne, as of fee-tail, of the manor of Kekwick, which Roger Budworth, chaplain, gave to the said Hugh for life, with remainder to Thomas his son, and the heirs of his body, from whom it descended to the said Peter in the same order of descent as above; that the manor was held of cardinal, archbishop, bishop of Durham, Walter Robert Babthorp, and John Leventhorp by knight's service, and was of the yearly value of 10 marks; of 4 parts of 7 parts of the manor of Arrowe, which Richard de Ins, vicar of the church at Tarvin, John Marbury and William Cay, chaplains, gave to the aforesaid Laurence and Margaret, his then wife, and the heirs male of the body of the said Laurence, with remainder to the aforesaid Peter de Dutton and the heirs male of his body; that the said 4 parts descended to the aforesaid John, his son and heir, that they were held of the earl of Chester by knight's service, and were of the yearly value of 4 marks; also that he died seized in his demesne, as of fee, of 2 parts of the manor of Acton, held of Henry, abbot of Vale-Royal, as of his manor of Weaverham, by knight's service, and of the yearly value of 100^{s}; of 6 messuages, 2 tofts, 30 acres of land, and 1 acre of meadow in Cuddington, held of the earl of Chester in capite by knight's service, and of the yearly value of 20^{s}, of 1 messuage and 40 acres in Budworth-in-le-Fryth, held of the earl of Chester, in capite by knight's service, yearly value 20^{s}; of 3 parts of 2 solidates of rent issuing yearly out of the tenement of Richard de Bulkeley in Middlewich, divided into 7 parts, of 3 parts of 5 solidates of rent issuing out of the tenement of Richard le Prest in the same town of 2^{s} rent issuing out of the tenement of Robert Swan in the same town; and of 4^{s} and 12 bullions of salt issuing yearly out of the tenement late of Richard de Wynynton, in Northwich, divided into 7 parts, and held of the earl of Chester in socage; and of the advowry of the histrionics, of Chester, in capite by knight's service, and of the yearly value of 6^{s} 8^{d}; also that he died seized in his demesne, as of fee-tail, of the manors of Aston, in Mondrem and Chirchminshull, excepting 2 messuages, 100 acres of land, 6 acres of meadow, and 1 acre of wood in the manor of Chirchmunshull, which manors one Richard de Minshull, senior, and Sibilla de Crue gave to Richard his son and Alice, daughter of the said Sibilla, wife of the said Richard, son of Richard, and the heirs of their bodies, that the said manors descended to Richard, son and heir of the said Richard and Alice, who dying without issue the same descended to Henry, his brother, and at his death to Joan, his daughter and heir, and then to the aforesaid Peter de

Dutton as son and heir of the same Joan; that the manor of Aston was held of Thomas de Fouleshurst, of Crue, by knight's service, as was of the yearly value of 10 marks; and that the manor of Chirchminshull was held by William Lovell, knt., by knight's service, and, excepting the tenements above excepted, was of the yearly value of 10 marks; that the said sir Peter de Dutton, knt., died on Wednesday next after the festival of St. Denis last past, and that the aforesaid John de Dutton was his son and heir, and of the age of 30 years or more. (12-13 Hen. VI., m. 1, 5.)

1433-4 (Feb. 26). John de Dutton, of Dutton, William Danyell, of Daresbury, William del Legh, and John Danyell, to John de Wolton, recognizance for £40 that the said John de Dutton abide the award of sir Thomas de Stanley, knt., and John Savage, esq., touching all disputes between the said John de Wolton and Alesia his wife. (12-13 Hen. VI., m. *d*, 6.)

1434 (April 7). Hugh de Dutton, John de Dutton, Randal Mainwaryng, Adam de Bostock, and John de Leycestr, to the king, recognizance for £200 that the said Hugh and John and Ralph, his sons, and Laurence, his brother, keep the peace towards Randal, Urian and Owen de Brereton, Thomas de Davenport, and Richard and Thomas de Swynarton. (12-13 Hen. VI., m. 5*d*, 6.) Sir John de Carynton, knt., Thomas de Legh, of Baguley, John Donne, junior, and Richard de Cholmondley, counter-recognizance to the above. (*Ibid.*, 7.)

1434 (Dec. 15). Hugh de Dutton, John de Davenport, John de Leycester, and John de Dutton, of Hatton, sureties that the said Ralph keep the peace. (13-14 Hen. VI., m. 2; 4.)

1435 (Oct. 4). Hugh Dutton, John de Dutton, of Dutton, and Thomas de Pull, mainprise that John de Dutton, of Hatton, keep the peace. (14-15 Hen. VI., m. 1, 6.)

1435 (Oct. 4). Hugh de Dutton, of Hatton, John de Dutton, of Hatton, Robert de Erdeswyk, and Thomas Starky, of Wrenbury, mainprise that Lawrence de Dutton keep the peace. (14-15 Hen. VI., m. 1, 4.)

1435 (Oct. 4). Hugh de Dutton, John de Dutton, of Hatton, John de Dutton, of Dutton, and Thomas de Pull, mainprise that Henry de Hoton keep the peace. (14-15 Hen. VI., m. 1, 5.)

1436. John Dutton, son of Peter de Dutton, a third of the manor of Barterton, held of.

1436 (May 20). John de Dutton, of Dutton, Randal le Mainwaring, sir John le Mainwaryng, knt., Hugh Venables, of Kynderton, Robert le Grosvenor, Richard de Aston, John Doumvill, William Mascy, of Rixton, Hugh de Mulynton, Edward le Mascy, and William, son of Richard le Mascy, commission to, for the arrest of William le Venables, late of Rydeley, Margery Sherde, servant of the same William, Peter le Venables, John, his brother, Margery Dysnay, Hugh Wolf, Thomas de Berneston, Richard Banastre, William Gode, Richard Netuls, Robert Gode, Richard de Golburn, John Waymot, David Gogh, John Taillor, of Holhurst, Hugh Bady, Ellen, who was the wife of John de Stathum, Thomas de Stathum, Ralph de Stathum, Richard de Stathum, Henry de Sutton, James de Clayton, Thomas de Warburton, Peter Page, and Roger Hunt. (14-15 Hen. VI., m. 8*d*, 8.)

1436 (Oct. 24). John Dutton, son of Peter de Dutton, writ of livery setting forth the finding of an inquisition post mortem, viz., that Thomas de Barton died seized in his demesne, as of fee-tail, of 4 messuages and 60 acres of land called 'Le Hey' in Kyngesley, granted by Randal de Wolvylegh, chaplain, by charter of the 29th May, 14 Ric. II., to Matthew de Weaverham and Beatrice, his then wife, and the heirs of the body of the said Matthew, with remainder to Lawrence de Dutton and his heirs, that after the death of the said Matthew, the said Beatrix continued her estate in the said premises, and had issue Alice, who married Ralph de Barton, and had issue the aforesaid Thomas de Barton; that the said Beatrix survived the said Ralph and Alice; that after the death of the said Beatrix the said Thomas entered upon the same messuages and land as kinsman and heir of the aforesaid Matthew; that on the death of the said Thomas, without heirs, the said estate remained to John, son of Peter de Dutton, as heir of the said Lawrence, to wit, son of Peter, son of Edmund, brother of the aforesaid Lawrence, that said estate was held of the earl of Chester in capite by knight's service, and was of the yearly value of 20s; also that the said Thomas died seized in his demesne as of fee-tail, of 2 messuages and 16 acres of land in Norley, and of 2 messuages and 32 acres of land in Onston, 2 acres of land in Cudynton, 2 acres of land in Chorlton, in Wyredale, 1 messuage and 2 acres of land in Weaverham, and 2s annual rent out of a messuage held by William Bulkeley, in Stanthorn, and of 4d annual rent issuing out of a place called 'Mayvesmore,' in Kyngesley, held by Nicholas Gerard, all which said messuages, etc., were granted Randal de Wolvylegh, by charter of 28th May, 14 Ric. II., to the said Matthew and Beatrix, and the heirs of the body of the said Matthew, with remainder to the said Lawrence de Dutton and his heirs for ever; that the same remained by descent as above to the said John, son of Peter de Dutton; that the aforesaid Alice, daughter of the aforesaid Matthew, was seized of 1 messuage and 3 acres of land in Kyngesley, and of a moiety of 1 burgage and 3½ acres of land in Halton, in her demesne as of fee, and that the same descended to the said John, son of Peter de Dutton, as kinsman and heir of the aforesaid Thomas, son of the said Alice, viz., son of Peter, son of Edmund, son of Ellen, sister of Emma, mother of Matthew de Weaverham, father of the said Alice, mother of the said Thomas; that the said premises in Kyngesley were held of Peter Gerard in socage by fealty only, and were of the yearly value of 2s; that the premises in Halton were held of the abbot of Norton in socage by fealty only, and were of the yearly value of 2s; that the aforesaid Thomas died on the 12 June last past; that Oliver de Barton, his uncle, was his next heir on the father's side, viz., son of Ralph, brother of the aforesaid Oliver, and of the age of 40 years or more, and that the aforesaid John, son of Peter, was next heir of the said Thomas on the mother's side, and of the age of 30 years or more. (15-16 Hen. VI., m. 1, 1.)

1436 (Oct. 24). A similar entry setting forth inquisition taken before the mayor and escheator of the city of Chester, viz., that Thomas de Barton died seized in his demesne as of fee-tail, of a 7th part of a place 'Le Castellone,' in Chester, held

of the earl of Chester in socage by fealty only, and of the yearly value of 4d., of 2s. rent, issuing annually out of 1 messuage in 'Le Castellone,' held by William Mayowe and Ellen, his wife, of 8d rent, issuing annually out of 1 messuage, 1 garden, and 1 cellar in Brugge-street, held by John Pull and John Ferror, of 20d annual rent issuing out of 1 messuage and 1 garden in Bruggestreete, held by Robert del Mere and Elizabeth, his wife, and William Rydley, and of 3s. annual rent, issuing out of 1 messuage in Northgatestrete, held by John Bull, that all the said premises and rents were granted by Randal de Wolvylegh to Matthew de Weaverham, etc., as in foregoing entry. (*Ibid.*, 2.)

1436 (Oct. 27). John de Dutton, of Dutton, to John Savage, esq., and Randal de Brereton, esq., recognizance for £40 touching the marriage of Isabel, daughter of sir William de Brereton, knt., to Robert, son and heir of Roger de Aston. (15-16 Hen. VI., m. 12, 1.)

1436 (Oct. 27). Richard de Dutton, parson of the church of Eccleston, to John Savage, esq., and Randal de Brereton, the like. (*Ibid.*, 2.)

1436 (Dec. 18). Hugh de Dutton, John de Dutton, of Hatton, Richard de Bunbury, and Richard de Clyve, mainprise that Henry de Hoton keep the peace, etc. (15-16 Hen., m. 4, 4.)

1436 (Dec. 18). Hugh de Dutton, John de Davenport, Christopher de Davenport, and William del Lee, mainprise John de Dutton, of Hatton. (15-16 Hen. VI., m. 4, 5.)

1437 (April 9). Hugh de Dutton, son of Hugh de Dutton, Ralph Dod, and Hugh de Stretton, mainprise that Ralph de Dutton keep the peace. (15-16 Hen. VI., m. 8*d*, 3.)

1437 (Oct. 1). Hugh de Dutton, sir John Mainwaryng, knt., sir Laurence le Wareyn, knt., John de Leycester, and John de Dutton, of Hatton, to the king, recognizance for 200 marks that the said Hugh keep the peace. (16-17 Hen. VI., m. 1*d*, 2.)

1437 (Dec. 17). Richard de Dutton, clerk, John de Leycester, and Thomas Starky, of Wrennebury, to the king, recognizance for £40, that the said Richard keep the peace towards George de Wevere. (16-17 Hen. VI., m. 7, 2.)

1438. Richard de Dutton, chaplain, of alienation.

1439 (Aug. 5). Hugh de Dutton, of Hatton, sir Geoffrey de Warburton, knt., John, son of Hugh de Dutton, of Hatton, and Richard de Wynyngton, to John Hokes, of Flint, recognizance for £18. (17-18 Hen. VI., m. 2*d*, 2.)

1439 (Nov. 28). Hugh de Dutton, of Hatton, sir Geoffrey de Warburton, knt., John de Dutton, of Hatton, and Ralph Dod, of Broxton, to the king, recognizance for £200 that the said Hugh and Emma, his wife, abide the award of John de Dutton, of Dutton, John de Hawardyn, John de Leycester, Richard del Wode, of Halton, John Donne, of Utkinton, senior, Robert Donne, Hugh de Ravenscroft, and James de Huyton, touching all disputes between them and Thomas, son of William le Venables. (18-19 Hen. VI., m. 2, 3.) Thomas, son of William le Venables, Roger de Coton, Thomas Clerk, of Chester, John Flynt,

Robert Harryson, and Thomas de Waley, counter-recognizance to the above. (*Ibid.*, 4.)

1440 (May 11). Hugh de Dutton, of Hatton, writ '*diem clausit extremum*' on the death of. (18-19 Hen. VI., m. 3*d*, 7.)

1440 (June 20). John de Dutton, of Dutton, writ of livery setting forth the finding of an inquisition (taken at Knutsford before John de Legh del Rigge, escheator 24 May, 18 Hen. VI., 1440. By the oath of John Daniel de Lyme, Thomas de Wever, John, son of Richard de Legh, John Daniel de Daresbury, Roger de Legh de Birkenhead, Randal de Clayton, Laurence Wilmes, Hugh Scale (?), Henry Hill, and Randal Grymesdiche), viz., that Hugh de Dutton held not, on the day he died, any lands in his demesne as of fee, of the earl of Chester; that one sir Peter de Dutton, knt., deceased, was seized in his demesne as of fee, of the manor of Little Moldsworth, yearly value 60s., and granted it to the same Hugh for life, with reversion to the said Peter and his heirs; that the said Peter had issue John de Dutton, of Dutton, then living; that by the death of the said Peter the reversion of the said manor pertained to the said John as son and heir; that the said John was 30 years of age or more at the death of the said Peter; that the said Hugh died seized of the said manor; that one Richard de Ins, late vicar of the church of Tarvin, John de Marbury, and William Cay, chaplains, were seized of the manor of Preston, near Kekwick, held of the earl of Chester, in socage, as of the manor of Frodsham, yearly value 20 marks, and of 1 burgage and 3 salt pits in Northwich, held of John, earl of Huntyngdon, in socage, yearly value 20s., and gave the same to one sir Laurence de Dutton, knt., for life, with remainder to the said Hugh de Dutton for life, and then to Peter de Dutton, and the heirs male of his body; that the said Peter de Dutton survived the said Laurence, and had issue John de Dutton; that the said John was of the age of 30 years or more on the death of the said Peter; that the said Hugh died seized of the manor, burgage, and salt pits aforesaid, and that the reversion of the same pertained to the said John de Dutton as son and heir; that the said John was of the age of 40 years or more, and that the said Hugh died on the 7th of April last past. (18-19 Hen. VI., m. 4*d*, 4.)

1441 (April 28). Ralph de Dutton, writ '*mandamus*' to enquire of what lands, etc., the said Ralph died seized. (19-20 Hen. VI., m. 7*d*, 7.)

1441 (July 26). Richard de Dutton, parson of the church of Rosthorn, to Thomas, abbot of Vale-Royal, recognizance for £41 that Hugh le Venables, of Kinderton, abide the award of William de Bulkeley, vice-justice of Chester, touching all disputes between the said Hugh and the said abbot. (19-20 Hen. VI., m. 10*d*, 8.) John Hekelyn, of Chester, mercer, and John Brundeley, to Hugh Venables, of Kinderton, armiger, counter-recognizance to the above. (*Ibid.*, 9.)

1441 (Oct. 3). Richard de Dutton, parson of the church of Rosthorn, Hugh Venables, Richard Praers, and Ralph Dod, to the king, recognizance for £40 that Elizabeth, wife of Robert de Croxton, keep the peace towards George de Wevere. (20-21 Hen. VI., m. 1, 3.)

1441-2. John Dutton, son of Hugh de Dutton, of Hatton, charters of Hamo le Mascy, of Puddington, quit-claiming to the said John all right to the manor of Hatton, and to lands in Hatton, Waverton, Broxton, Cholley, and Aldersey, late of Ralph le Vernon. (20-21 Hen. VI., m. 2*d*, 1.)

1441-2 (Feb. 27). John de Dutton, of Hatton, sir Geoffrey de Warburton, knt., Richard de Bunbury, Robert de Cotgreve, and Hugh de Bulkeley, to the king, recognizance for 100 marks as surety for the said John. (20-21 Henry VI., m. 4*d*, 1.)

1442 (April 10). John de Dutton, of Hatton, John de Dutton, of Dutton, John de Leycester, Richard de Clyve, and Ralph Dod, to the king, recognizance for . . . as surety for the said John. (20-21 Hen. VI., m. 4*d*, 8.)

1442-3. Matilda, daughter of John de Dutton, license of alienation in favour of.

1443-4 (March 5). Richard de Dutton, parson of the church of Rosthorn, ratification by the king of the appointment of the said Richard to the said church, on the presentation of Hugh Venables, of Kinderton. (22-23 Hen. VI., m. 8*d*, 1.)

1444 (Nov. 16). John de Dutton, of Dutton, John Danyell, of Daresbury, Richard de Bunbury, and William de Stanley, to the king, recognizance for 1,000 marks that Thomas, son of the aforesaid John de Dutton, keep the peace. (23-24 Hen. VI., m. 1, 4.)

1444-5 (March 17). John de Dutton, of Dutton, Richard de Wynyngton, Roger del Bothe, John de Dutton, of Hatton, and Richard de Bunbury, to the king, recognizance for 1,000 marks that the said John de Dutton, of Dutton, keep the peace. (23-24 Hen. VI., m. 3, 1.)

1445 (July 13). John de Dutton, of Dutton, William de Stanley, Ralph de Egerton, Robert Fouleshurst, and John de Dutton, of Hatton, to the king, recognizance of 1,000 marks that the said John de Dutton keep the peace. (23-24 Hen. VI., m. 3, 5.)

1445 (Aug. 3). John de Dutton, of Dutton, William Stanley, John de Dutton, of Hatton, John Legh del Bothes, and Thomas Venables, to the king, recognizance for 1,000 marks that the same John de Dutton, of Dutton, keep the peace. (23-24 Hen. VI., m. 3, 7.)

1445-6 (Feb. 20). Margaret, who was the wife of John de Dutton, of Dutton, writ of dower. (23-24 Hen. VI., m. 6*d*, 7.)

1445-6 (Feb. 23). John de Dutton, writ '*diem clausit extremum*' on the death of. (23-24 Hen. VI., m. 6*d*, 2.)

1445-6 (March 11). Thomas Dutton, son of John de Dutton, of Dutton, writ, livery setting forth the finding of an inquisition, viz., that John de Dutton of Dutton, died seized in his demesne, as of fee-tail of the manor of Dutton, of the gift and feoffment of John de Marbury, and William Cay, chaplains, to sir Peter de Dutton, knt., and Elizabeth, his wife, and the heirs of the body of the same Peter, with remainder to his right heirs; that the said Peter and Elizabeth had issue of the aforesaid John; that the said manor was held of the abbot of Vale Royal, as of their manor of Weaverham, in socage by the service of 2s., or one sparrow hawk, and was of the yearly value of 20 marks; also of the manor

of Weston, near Runcorn, and 4 acres of land in Clifton, of the gift of Robert de Dutton to Hugh de Dutton, and Joan, his wife, and the heirs male of their bodies; that the same John de Dutton was son and heir of sir Peter de Dutton, knt., son of Edmund de Dutton, son of sir Thomas de Dutton, knt., and brother of sir Laurence de Dutton, knt., son and heir of the aforesaid Thomas, son and heir of the aforesaid Hugh and Joan, deceased; that the said manor and 4 acres of land were held of the king, as earl of Chester, as of the manor of Halton, by knight's service, and were of the yearly value of £10; also, in his demesne as of fee, of 4 burgages and 8 acres of land in Halton, three of which were held of the earl of Chester, as of the said manor of Halton by fealty only, and the fourth of the prior of the hospital of St John of Jerusalem in England, in socage, and were of the yearly value of 20s.; also in fee-tail male, of the manors of Nesse, near Barterton, in Wirrall, Barterton, and Legh, near Barterton, by virtue of a gift of William de Frodsham, by fine (Edw. III.) to the said Hugh and Joan, and the heirs male of their bodies; that the aforesaid John was son and heir of sir Peter de Dutton, knt. (as above); that the said manors of Wirrall and Barterton were held of the earl of Chester, in capite by knight's service, and that of Legh of Thomas . . ., Hawardyn, in socage, by the service of 26s. 8d. yearly; that the said manor of Nesse was of the yearly value of 10 marks . . . 100^{s}, and the manor of Legh . . .; also, in fee-tail, of 4 parts of 7 parts of the manor of Arrowe, in virtue of a gift (16 Ric. II.) of Richard Ins, late vicar of Tarvin, John Marbury, and William Cay, chaplains to the said Laurence de Dutton and Margaret, his wife, deceased, and the heirs male of the body of the same Laurence, by the name of the manors of Parva-Mouldsworth and Happisford, together with all their lands and tenements in the manors of Dunham, Magna-Barrow, Stoke, Picton, and Arrowe, with remainder to Peter de Dutton, and the heirs male of his body; that the said Laurence and Margaret died without heirs male; that the aforesaid John de Dutton was son and heir of the said Peter de Dutton (deceased); that the said 4 parts of 7 parts were held of the earl of Chester, by knight's service, and were of the yearly value of 4 marks; also that the said John died seized of 2 parts of the manor of Acton, held of Thomas, abbot of Vale Royal, as of his manor of Weaverham, and of the yearly value of 100^{s}; of 6 messuages, 2 tofts, 32 acres of land, and 1 acre of meadow in Cuddington, near Onston, held of the earl of Chester, by knight's service, and of the yearly value of 20s.; of 1 messuage and 40 acres of land in Budworth-in-le-Fryth, held of the earl of Chester by knight's service, and of the yearly value of 20s.; of 15^{s} rent in Middlewich, held of the earl of Chester, in socage, of 4s. rent and 12 bullions of salt in Northwich, held of the earl of Chester, in socage; of 3s. rent in Over Whitley, held of the earl of Chester, as of his manor of Halton, in socage; of 2 tofts and 30 acres of land in Preston, parcel of the manor of Preston and 1 burgage and 4 salt-pits in Northwich, because Richard de Ins, vicar of the church of Tarvin, John Marbury and William Cay, chaplains, were seized of the said manor, burgages, and salt-pits by the name of the manor of

Preston, and by their charter granted the same to sir Laurence de Dutton, knt., for life, with successive remainders to Hugh, son of Edmund de Dutton (deceased), for life, Peter de Dutton, and the heirs male of his body, the heirs male of the said Hugh, and the right heirs of the same Laurence for ever; that the said Hugh and Peter were dead; that Thomas de Dutton, then living, was kinsman and heir of the said Peter, viz., son of John de Dutton, son of the said Peter; that the said Thomas was kinsman and heir of the said Laurence, viz., son of the aforesaid John, son of Peter, son of Edmund, brother of the said Laurence; that the aforesaid 2 tofts and 30 acres of land were held of the earl of Chester as of his manor of Frodsham, in socage, by fealty only, and were of the yearly value of 16s.; that the said burgage and salt-pit in Northwich were held of John, duke of Exeter, in socage, by fealty only, and were of the yearly value of 20s.; also of 4 messuages and 60 acres of land called 'Le Hey,' in Kyngesley, held of the earl of Chester, by knight's service, yearly value 20s.; of 2 messuages and 16 acres of land in Norley, 2 messuages and 32 acres of land in Onston, 2 acres of land in Cuddington, near Onston, 10 acres of land in Chorleton, in Wirrall, and 2s. rent issuing out of a messuage held by William Bulkeley, in Stanthorn, all which were held of the earl of Chester, by knight's service, yearly value, 100s.; of 4^{d} rent issuing out of land called 'Lenemore,' in Kyngesley, and of 1 messuage and 3 acres of land in Kyngesley, held of sir Peter Gerrard, knt., in socage, by fealty only, yearly value 2s.; of a moiety of 1 burgage, $3\frac{1}{2}$ acres of land in Halton, held of Thomas, abbot of Norton, in socage by fealty only, yearly value 2s.; of 2s. 6d. rent in Middlewich, 2 messuages and 40 acres of land, and 3 acres of meadow in Mulneton, held of Thomas, abbot of Vale Royal, as of his manor of Weaverham, in socage, yearly value 26^{s} 8^{d}; of 1 messuage and 3 acres of land in Weaverham, held of the prior of St. John of Jerusalem in England, in socage, yearly value 3s.; of 1 messuage and 20 acres of land in Assheton, near Moldsworth, held of John, abbot of Chester, in socage, yearly value 7s.; of 1 toft and 12 acres of land in Stretton, held of Richard Starkye, in socage, yearly value 6s.; of 1 messuage in Frodsham, called 'Bruggehous,' with 32 acres of land adjacent, held of the earl of Chester, in socage, as of his manor of Frodsham, yearly value 16s.; of 4 burgages in Frodsham, held of the earl of Chester, as of his manor of Frodsham, in socage, yearly value 4^{d}; and of a moiety of 1 burgage in Macclesfield, held of the earl of Chester, as of his manor of Macclesfield, in socage, of no yearly value; also, in fee-tail, of the manors of Kekwick and Little Mouldsworth, except one close called 'Northwode,' and 1 messuage and 4 acres of land, parcel of the manor of Kekwick then in the tenure of John Gile, of the feoffment of Richard Prymerose, chaplain, to the said John and Margaret, his wife, and the heirs of the said John; that the aforesaid John died seized of the same close, messuage, and 4 acres of land in his demesne, as of fee-tail, by virtue of a feoffment by Roger Budworth, chaplain, to one Hugh de Dutton (deceased) for life, with remainder to Thomas, son of the said Hugh, and the heirs of his body; that the afore-

said John was son and heir of sir Peter de Dutton, knt. (as above); that the manor of Kekwick was held of the earl of Chester, as of the manor of Halton, by knight's service, yearly value 100s.; that the said close, messuage, and 4 acres of land were of the yearly value of 20s.; that the manor of Little Mouldsworth was held of Hugh, son of Hugh de Crewe, in socage, yearly value 4 marks; that the said Peter de Dutton was seized in his demesne as of 34 messuages, 260 acres of land, 18 acres of meadow, 22 acres of pasture, and 30s. rent in Hapsford, Stonydunham, Norley, Picton, Stoke, Newton, Kyngesley, Bradley, and Onston, and granted the same to Thomas de Dutton, brother of the aforesaid Peter (deceased), and Alesia, daughter of sir John de Stanley, knt., then wife of the said Thomas (and now wife of John de Wolton), and the heirs of their bodies, with reversion to the said Peter and his heirs; that the said Thomas died without heirs of his body; that the said Peter had issue John de Dutton, to whom the said estates descended on the death of the said Peter; that the said John had issue Thomas de Dutton, then living; that the tenements in Hapesford and Stony Dunham were held of Joan, who was the wife of William Troutbeck, by knight's service, those in Bradley of the earl of Chester, as of the manor of Frodsham, in socage, and those in Kyngesley, Norley, Picton, Stoke, Newton, and Onston, of the earl of Chester, in capite, by knight's service, and were of the yearly value of £20; that the said John de Dutton died seized, to him and his heirs, of 1 messuage, called 'Swaneshogh,' and of 40 acres of land, 20 acres of wood, 100 acres of pasture, and 12 acres of meadow in Hurdesfield and Raynow, held of the earl of Chester, as of his manor of Macclesfield, yearly value 6s. 8d.; of 6 acres of land called 'Throstylfeld,' in Crouton, and 7 acres of land in Pultonlauncelyn, held of the earl of Chester, in socage, by fealty only, yearly value 5s.; of the manors of Aston, in Mondrem, and Minshull, and of 2 messuages, 1 toft, and 100 acres of land in Preston, and by charter (June 4, 1443) granted the same to Thomas Dutton, his son, and Anne, his wife, daughter of James lord de Audeley, and the heirs of the body of the same Thomas, and also by the same charter granted that 2 messuages, 100 acres of land, 6 acres of meadow, and 1 acre of wood, then held by Henry Samon and Eve, his wife, should revert on the death of the said Eve to the said Thomas and Anne, and the heirs of the body of the same Thomas, and, them failing, all the aforesaid manors, messuages, etc., to revert to the said John de Dutton and his heirs for ever; that the said John died seized in his demesne, as of fee, of the advowry of the histrionics of Chester, held of the earl of Chester, by knight's service, yearly value 8d.; also of 6s. rent in Barterton, held of the earl of Chester, in socage by fealty only; that the said John de Dutton died on the Sunday next after the festival of St. Valentine last past, and that Thomas de Dutton was son and heir of the said John, and of the age of 24 or more. (24-25 Hen. VI., m. 8*d*, 2.)

1449 (July 22). John de Dutton, of Hatton, Robert Rogerson, John Blackburn, goldsmith, and Ralph Dod, to sir Thomas Stanley, knt., constable of the castle of

Chester, recognizance for £20 as surety for Chedull not escaping out of the castle. (27-28 Hen. VI., m. 5*d*, 1.)

1450 (Aug. 3). John de Dutton, of Hatton, Thomas de Dutton, of Dutton, and John Donne, of Utkinton, to the king, recognizance for 100 marks as surety for the said John de Dutton. (29-30 Hen. VI., m. 5*d*, 6.)

1453 (Dec. 11). John de Dutton, of Hatton, to the king, recognizance for £100 for his appearance on a certain day at the castle of Chester, before the king's council. (32-33 Hen. VI., m. 3, 8.)

1453 (Dec. 13). John de Dutton, of Hatton, John de Lycestre, Richard de Clyne, John de Egerton, and William Venables to the king, recognizance for 500 marks that the said John de Dutton and Peter, his son, keep the peace. (32-33 Hen. VI., m. 4*d*, 1.)

1453-4 (March 12). John de Dutton, of Hatton, Thomas Mascy, of Puddington, John de Egerton, Richard Osbaldeston, and Thomas del Hogh, that the said John de Dutton and Peter, his son, keep the peace. (32-33 Hen. VI., m. 4*d*, 3.)

1453-4 (March 12). John de Dutton, of Hatton, John de Egerton, Hugh de Stretton, and Hugh Pesall to the king, recognizance for 300 marks that the son of John de Dutton of Hatton, excepting Peter, his son and heir, keep the peace towards Randal de Brereton and Randal, his son. (32-33 Hen. VI., m. 4*d*, 4.)

1454 (July 25). John de Dutton, of Hatton, John Donne, John de Leycester, Adam de Bostok, and John de Egerton, to the king, recognizance for 500 marks that the said John Dutton and Peter, his son, keep the peace. (32-33 Hen. VI., m. 9*d*, 2.)

1454 (Dec. 17). John de Dutton, of Hatton, John Donne, of Leycestre, John de Egerton and William Venables, to the king, recognizance for 500 marks that the said John Dutton and Peter, his son, keep the peace. (33-34 Hen. VI., m. 2, 1.)

1455 (Dec. 16). Peter de Dutton, of Hatton, Peter Warberton, Ralph Grosvenor, sir John de Bromley, knt., and Richard de Clyve, to the king, recognizance for £100 that the said Peter keep the peace. (34-35 Hen. VI., m. 2, 6.)

1455-6 (Jan. 13). John de Dutton, of Hatton, and Peter, his son, John Donne, of Utkinton, Hugh de Stretton and Hugh de Bulkeley, to the king, recognizance for £100 that the said John and Peter his son keep the peace towards William de Whitmore. (34-35 Hen. VI., m. 3, 5.)

1456 (July 20). John de Dutton, of Hatton, Peter, his son, John de Egerton, Thomas de Bulkeley, of Ayton, Hugh de Stretton, and John, son of Henry Bryde, to Edward, prince of Wales, recognizance for £100 that the said John and Peter his son keep the peace towards William Whitmore. (34-35 Hen. VI., m. 6, 3.)

1459 (April 7). Thomas Dutton, John Donne, of Utkinton, Hamo Mascy, of Rixton, John Dutton of Dutton, Roger de Dutton, Hugh Donne, Richard Botiller, Thomas Hawardine, and Thomas Holcroft, commission of, to arrest Thomas Godman, alias Goldburne, late of Goldburne, yeoman, and Thomas Wynyngton, late of Northwich, gentleman, outlaws. (37-38 Hen. VI., m. 4, 2.)

1459-60 (Jan. 10). Thomas Dutton, writ *'diem clausit extremum'* on the death of. (38-39 Hen. VI., m. 12, 3.)

1460. Richard de Dutton, parson of Rosthorn, pardon to, for the acquisition of land without license.

1461 (July 28). Arnold Dutton, son of Robert de Dutton, sir Thomas Manley, knt., Thomas Bulkeley, esq., Ralph de Bostock, and sir John Donne, knt., to the king, recognizance for £20 that the said Arnold keep the peace towards Robert de Dutton. (1-2 Edw. IV., m. 7, 4.)

1461 (Sept. 7). Anna Dutton, who was the wife of sir Thomas de Dutton, knt., writ for assignment of dower to. (1-2 Edw. IV., m. 10, 2.)

1461 (Dec. 22). Arnold Dutton, son of Robert de Dutton, sir Hugh de Calveley, knt., sir John Donne, knt., Thomas Manley, and Ralph Bostock, to the king, recognizance for £20 that the said Arnold keep the peace. (1-2 Edw. IV., 11*d*, 1.)

1462 (April 27). Arnold de Dutton, son of Robert de Dutton, Adam de Bostock, sir Edward del Holt, knt., and Hugh de Calveley, junior, to the king, recognizance for £20 that the said Arnold keep the peace towards Robert Dutton. (1-2 Edw. IV., m. 15, 6.)

1462 (June 18). John Dutton of Hatton, grant to, of the frithmote of the forest of Mara and Mondrem, until he should have satisfied himself, out of the issues of the same, for £100 expended by him in attending at the king's command at Chester with certain men. (1-2 Edw. IV., m. 16*d*, 2.)

1462 (Oct. 5). Arnold Dutton, son of Robert de Dutton, John Donne, of Flaxyardes, Thomas de Pull, Richard Donne, and Randal de Wetenhale, to the king, recognizance for £20 that the said Arnold keep the peace towards Robert Dutton. (2-3 Edw. 4, m. 1, 4.)

1464. John de Dutton, of Hatton, appointment of, as collector of a subsidy.

1464 (March 7). Peter de Dutton, and Elizabeth, his wife, Emma, wife of John de Legh, Agnes le Grosvenor, Margery le Grosvenor, Katherine, wife of Richard Wynyngton, and Margaret, wife of Thomas Leycester, writ of livery setting forth an inquisition, finding that Robert Grosvenor, esq., died seized in his demesne, as of fee, of the manor of Hulme, held of Thomas Holford, in socage, yearly value 10 marks; of a moiety of 1 messuage and 30 acres of land in Bancroft, held of the said Thomas, in socage, yearly value 13s. 4d.; of 3 messuages and 1 carucate of land in Dunham Massy, held of the earl of Chester by knight's service, yearly value £40; of a plot of land with 2 messuages in Ketilshulme, within the forest of Macclesfield, held of the earl of Chester, according to the custom of Macclesfield, yearly value 8s.; of the manor of Pulford, and 80 acres of land in Claverton, with the advowson of the church of Pulford, held of the earl of Chester, by knight's service, yearly value 20 marks; of the manor of Buyrton, held of sir John Stanley, knt., as of his manor of Aldeford, yearly value £8; of a third of the manor of Waverton, held of the abbot of Chester, in socage, yearly value 100s.; of a 4th part of the manor of Cholley, held of sir John Sutton, knt., in socage, yearly value 20s.;

of an 8th part of the manor of Broxton, held of sir John Sutton, knt., in socage, yearly value 53s. 4d. ; of 2 messuages and 10 acres of land in Aldersey, held of the said John, in socage, yearly value 5s. ; of 4^{d} rent in Elton, held of sir John Stanley, knt., as of his manor of Aldeford, in socage ; of a garden in the city of Chester, in socage, yearly value 3s. ; of a plot of land and moor called 'Sondelemosse,' in the town of Netherpeover, containing 100 acres, held of the earl of Chester as of the lordship of Halton, by knight's service, yearly value 3s. 4d. ; of a moiety of the site of a water-mill at Netherpeover, containing 1 acre held of the earl of Chester, as of the lordship of Halton, by knight's service, yearly value 4^{d} ; of 2 burgages and 1 acre of land in Knatsford, held of Thomas Holes, in socage, yearly value 6s. ; of 1 messuage and 16 acres of land in Allostok, held of the abbot of Vale Royal, in socage, yearly value 8s. ; of 1 salt-pit, 1 messuage, and 4 acres of land in Northwich, held of sir William Stanley, knt., as feoffee of Henry, duke of Exeter, in socage, yearly value 12s. ; and of 3s. annual rent in Middlewich, held of the earl of Chester, in socage. That the said Robert died on the Wednesday next after the festival of the Epiphany last past, that the said Elizabeth, Emma, Agnes, Margery, Katherine, and Margaret were the daughters and heirs of the said Robert, and of the respective ages of 34, 32, 29, 27, 24, and 22. (4-5 Edw. IV., m. 4*d*, 1.)

1466-7 (Jan. 21). Peter de Dutton, of Hatton, sir John Donne, knt., sir Thomas Manley, knt., Thomas Hawardyne, and Henry Ravenscroft, to the king, recognizance for 500 marks that the said Peter keep the peace towards Ralph Grosvenor, esq. (6-7 Edw. IV., m. 3, 3.)

1467 (April 7). Peter Dutton, of Hatton, John Donne, of Flaxyardes, Richard Larketon, Thomas Leycester, of Tabley, and John Barker, of Dutton, to the king, recognizance for 500 marks that the said Peter keep the peace towards Ralph Grosvenor, esq. (6-7 Edw. IV., m. *d*, 3.)

1467-8 (Jan. 12). Peter Dutton, of Hatton, sir Peter Legh, knt., William Venables, esq., John Legh del Bothes, and Thomas Leycester, of Tabley, for 500 marks, that the said Peter Dutton keep the peace towards Ralph Grosvenor, esq. (7-8 Edw. IV., m. 2*d*, 1.)

1468 (April 26). Peter Dutton, of Hatton, John Legh, Thomas Leycester, Richard Wynynton, and Peter Stanley, to the king, recognizance for 500 marks that the said Peter Dutton keep the peace towards Ralph Grosvenor. (7-8 Edw. IV., m. 3*d*, 2.)

1468 (July 7). Peter Dutton, of Hatton, John Legh del Bothes, Thomas Leycester, of Tabley, and Richard Wynynton, to the king, recognizance for 500 marks that the said Peter keep the peace towards Ralph Grosvenor, esq. (7-8 Edw. IV., m. 5, 2.)

1468-9 (Feb. 4). Peter Dutton, of Hatton, sir John Donne, knt., William Ley, Randal Litlover, and John Legh del Bothes, to the king, recognizance for 500 marks that the said Peter keep the peace towards Ralph Grosvenor, esq. (8-9 Edw. IV., m. 4, 3.)

1469 (April 8). Peter Dutton of Hatton, John Legh del Bothes, Richard Wynynton, Thomas Leycester, and Henry Ravenscroft, to the king, recognizance for 500 marks, that the said Peter keep the peace towards Ralph Grosvenor, esq. (8-9 Edw. IV., m. 5, 5.)

1471. Petronilla Dutton, daughter of Peter de Dutton, married to Hugh de Venables.

1472. Elizabeth Dutton, wife of Peter Dutton, Emma, late wife of John Legh del Bothes, Agnes, wife of William Stanley, of Hoton, Katherine, wife of Richard Wynynton, and Margaret, wife of Thomas Leycester, writ of livery setting forth the finding of an inquisition, viz., that Margery, daughter of Robert Grosvenor, died seized in her demesne, as of fee, of a field called 'Bradshagfild,' of the demesnes of the manor of Hulme, held of George Holford, in socage, yearly value 3s. 6d.; of 1 selion of land, held at will, by John Pikmere, in Huls of the said George, yearly value 2^{d}; of 8 messuages, 3 tofts, 800 acres of land, 2 acres of meadow, and 8 acres of heath, severally held at will, by Richard Bradshag, Ralph del More, Randal Syngymself, William Mee, Henry Stubbes, John Stubbes, Randal Grosvenor, Ralph Johnson, Robert Wright, Robert Bradshagh, William Flecher, and Geoffrey Stele, in Allostok and Lostokgralam, held of the abbot of Vale Royal, in socage, yearly value £4 10; of a quit-rent issuing yearly out of the lands and tenements of William Merton, in Allostok, held of the said abbot, in socage; of 4 messuages, 2 tofts, 80 acres of land, 8 acres of meadow, and 10 acres of pasture, in the several tenures of John Feysand, Madd'ap Gruff, Laurence Huett, clerk, Nicholas Jacson, John Hulle, David ap Grono, and Thomas Hessam, in Pulford, also of a 6th part of 2 fields called 'le Holdfild' and 'le Halfild,' held of the earl of Chester in capite, by knight's service, yearly value 40s.; and of an annual rent issuing out of a certain messuage in the tenure of John Jackson, in Aldersen, held of sir John Sutton, knt., in socage; that the said Margaret died on Thursday next after the festival of the annunciation of the virgin Mary last past, and that the said Elizabeth, Emma, Agnes, Katherine, and Margaret were sisters and next heirs of the said Margery, and of the respective ages of 41, 37, 32, and 30. (12-13 Edw. IV., m. 4, 3.)

1473-4 (March 6). Thomas Dutton, son of John de Dutton, of Dutton, inspeximus and exemplification of a writ of livery of 11th March, 24 Hen. VI. (13-14 Edw. IV., m. 3, 4.)

1473-4 (March 6). John Dutton, son and heir of sir Peter de Dutton, knt., inspeximus and exemplification, at the instance of Thomas Molyneux, esq., of a writ of livery of 24th Oct., 12 Hen. VI. (Edw. IV., m. 3, 3, 4.)

1474 (April 8). Sir Laurence de Dutton, knt., inspeximus and exemplification at the instance of Roger Dutton, esq., of an inquisition taken 16 Ric. II., finding that sir Laurence de Dutton, knt., died seized in his demesne, as of fee-tail, of the manor of Weston, near Runcorn; that one Robert de Dutton gave the said manor to Hugh de Dutton and Joan, his wife, in fee-tail male, that the said manor descended to Thomas, son and heir of the same Hugh and Joan, and from the said Thomas to the said Laurence as his son and heir; that the said

Laurence, dying without heirs of his body, the said manor descended to Peter de Dutton, son of Edmund, brother of the said Laurence; that the manor was held of John, duke of Lancaster, as of his manor of Halton, and was of the yearly value of £10; also that the said Laurence died seized, as aforesaid, of 4 burgages and 8 acres of land in Halton, 3 of which were held of the said duke as of his said manor, and 1 of St. John of Jerusalem, and were of the yearly value of 20s.; also in his demesne, as of fee-tail, of the manors of Nesse, near Barterton, in Wirrall, Legh, and Barterton, which William de Frodsham gave, by fine, to Hugh de Dutton and Joan, his wife, in fee-tail male, and which descended successively to the before-mentioned Thomas, Laurence, and Peter; that the manor of Nesse was held of the earl of Chester, in capite, by knight's service, and was of the yearly value of 20 marks; that the manor of Legh was held of William, earl of Salisbury, by the service and rent of 26s. 8d. yearly value £20, and the manor of Barterton, of the earl of Chester, by knight's service, yearly value 100s.; also in his demesne, as of fee-tail, of the manor of Kekwick, which Roger de Budworth, chaplain, gave by fine to Hugh de Dutton for life, with remainder in fee-tail to Thomas, his son; that the said manor descended to the said Laurence as son and heir of the said Thomas, and from him to the aforesaid Peter; that the said manor was held of John, duke of Lancaster, as of his manor of Halton, in capite, by knight's service, and was of the yearly value of £10; also in his demesne, as of fee-simple, of 2 parts of the manor of Acton, held of the abbot and convent of Vale Royal, as of their manor of Weaverham, in capite, by knight's service, yearly value 10 marks; also in his demesne as of fee-simple, of the following messuages and lands held of the earl of Chester, in capite, by knight's service, viz., 10 messuages, 4 tofts, 60 acres of land, 30 acres of wood, and 3 acres of meadow in Kingsley, yearly value £4; 6 messuages, 2 tofts, 30 acres of land, and 1 acre of meadow in Cuddington, yearly value 26s. 8d.; 1 messuage and 4 acres of land in Norley, yearly value 10s.; 4 messuages, 30 acres of land, and 2 acres of meadow in Onston, yearly value 4 marks; 4 messuages and 40 acres of land in Newton, yearly value 30s.; of 2 messuages, 20 acres of land, and 2 acres of meadow in Bradley, held of Radegund Becket, as of the manor of Frodsham, in socage, yearly value 20s., and of 1 messuage and 40 acres of land in Budworth-in-le-Frith, held of the earl of Chester in capite, by knight's service, yearly value 26s. 8d.; also jointly seized with Margaret, his wife, then living, of the manor of Hapesford, with 6 messuages and 8 bovates of land in Stonydunham, which one Richard de Ins, vicar of Tarvin, John de Marbury, and William Cay, chaplains, gave to the said Laurence and Margaret, in fee-tail-male, with successive remainders in fee-tail-male to Peter and Hugh de Dutton, with remainder over to the right heirs of the same Laurence for ever; that the said manor and lands were held of Richard, earl of Arundel, in capite by knight's service, and were of the yearly value of £10; also, jointly with Margaret, his wife, of the following manors and land, viz., the manor of Little Mouldsworth, held of Hugh, son of Hugh le Tiewe, in socage, yearly value

£4; two messuages, 4 bovates of land, and 4 acres of meadow in Picton, held of the earl of Chester, in capite, by knight's service, yearly value 40s.; 10 messuages, 12 bovates of land, 6 acres of meadow and 20 acres of turf, in Stoke, held of the earl of Chester as above, yearly value 10 marks; and 4 parts of 7 parts of the manor of Arrowe, held of the earl of Chester, in capite, as above, yearly value 5 marks; that the said Laurence, dying without heirs, the said manors, etc., descended, on the death of the said Margaret, then living, to the said Peter; also that the said Laurence died seized, for life, of the manor of Preston, with 1 burgage and 3 wiches in Northwich, which Richard de Ins, vicar of Tarvin, John de Marbury, and William Cay, gave to the said Laurence for life, with successive remainders as follows, viz., to the said Hugh for life, and the heirs male of his body, and, them failing, to the heirs male of the body of the said Hugh, and, them failing, to the right heirs of the same Laurence for ever; that the said manor was held of Radegund Bechet, as of the manor of Frodsham, in socage, and the rent of 8s. yearly, value £20; and the said burgage and wiches of John de Holand, earl of Huntingdon, in socage, as of the borough of Northwich, yearly value 40s.; that sir Peter de Thornton, knt., was seized in his demesne as of fee-simple, of 2s. rent, issuing out of the tenement of Richard de Bulkeley, in Middlewich, 5s. issuing yearly out of the tenement of Robert le Prest in the same town, 2s. yearly issuing out of the tenement of Robert Swan in the same town, and of 4s. and 12 bullions of salt issuing yearly out of the tenement of Richard de Wynynton, in Northwich; that Robert de Bulkeley, of Ayton, held a fourth part of the manor of Little Stanthorne, of the said sir Peter de Thornton, knt., in capite by homage, fealty, and the yearly rent of 2s.; that the said 4th part on the decease of the said Robert descended to John de Bulkeley, his son and heir; that the said Peter died seized of the said lordship, which descended to Emma, Ellen, Katherine, Elizabeth, Margaret, Matilda, and Agnes, as daughters and heirs of the said Peter, that the share of the said Ellen descended to the said Laurence as her son and heir, and from him to the said Peter, as son of Edmund, brother of the said Laurence; that the said Laurence purchased of the said Katherine her share of the said lordship and of Elizabeth, daughter of the said Margaret, her share, and died seized thereof; that the said Laurence died seized in his demesne, as of fee, of the '*advocar histrionum Cestris*,' yearly value 20d., held of the earl of Chester in capite by knight's service; that the said Laurence died on Wednesday next before the festival of the purification of St. Mary last past, and that the said Peter was next heir and of the age of 26, to wit, son of Edmund, brother of the said Laurence. (13-14 Edw. IV., m. 12.)

1474 (July 32). Roger Dutton, kinsman and heir of John, son of Thomas de Dutton, father of the same John, special livery to. (13-14 Edw. IV., m. 6*d*, 1.)

1474 (March 14). Roger Dutton, sir John Bromley, knt., William Stanley, to the earl of Chester, recognizance for 500 marks that the said Roger, Thomas, and Laurence de Dutton keep the peace towards Hugh Donne. (14-15 Edw. IV., m. 4*d*, 1.)

1475 (Sept. 5). Roger Dutton, esq., sir Thomas Manley, knt., William Venables, of Kynderton, Peter Dutton, and William Ireland, to the earl of Chester, recognizance for 1,000 marks that the said Roger keep the peace towards Ralph Bostock, Richard Cholmondeley, junior, and Thomas Aston. (14-15 Edw. IV., 12, 2.)

1475 (Dec. 12). Roger Dutton, sir Thomas Manley, knt., Peter Dutton, of Hatton, Richard Wynyngton, and George Bolde, to the earl of Chester, recognizance for 500 marks that Roger, Thomas, and Laurence de Dutton keep the peace towards Hugh Donne. (15-16 Edw. IV., m. 2, 6.)

1475-6 (Jan. 9). Roger Dutton, esq., Peter Dutton, of Hatton, George Bolde, Thomas Erne, and Geoffrey Starky, to the earl of Chester, recognizance for 1,000 marks that the said Roger keep the peace towards Ralph Bostock, Richard Cholmondeley, senior, Richard Cholmondeley, junior, and Thomas Aston. (15-16 Edw. IV., m. 7, 2.)

1475-6 (Jan. 9). Roger Dutton, Peter Dutton, George Bolde, Geoffrey Starky, of Moldesworth, and Thomas Erne, to the earl of Chester, recognizance for 500 marks that Roger, Thomas, and Laurence de Dutton keep the peace towards Hugh Donne. (15-16 Edw. IV., m. 7, 4.)

1476 (? Aug. 6). Peter Dutton, of Dutton, esq., Peter Dutton, senior, and Thomas Bulkeley, to the earl of Chester, recognizance for £200 that John Puleston keep the peace towards Robert ap Gruff ap Eden' ap Mad' and Jor' Gogh'. (15-16 Edw. IV., m. 10, 1.)

1476 (Jan. 15). Roger Dutton, esq., writ '*diem clausit extremum*' on the death of. (16-17 Edw. IV., m. 10, 4.)

1476 (Jan. 22). Roger Dutton, warrant to Richard Aston for the conveyance, to the exchequer at Chester, of two chests containing charters, etc., of all the lands and tenements which were of the said Roger Dutton, and which were then in the earl of Chester's hands, by the minority of Laurence Dutton, son and heir of the said Roger Dutton. The same were delivered into the exchequer. (16-17 Edw. IV., m. 3*d*, 2.)

1476-7 (Feb. 5). Dutton Park, appointment of Robert Roo as park-keeper of, during the minority of Laurence, son and heir of Roger de Dutton. (16-17 Edw. IV., m. 5, 5.)

1476-7 (March 15). Peter de Dutton of Hatton, senior, and Thomas Croxton, to Roger Coton, recognizance that the said Peter abide the award of William de Venables, of Kinderton, esq., and John Hawardyn and Thomas Duncalf, touching all disputes between the said Peter and John Coton, esq., of Ridwar, concerning an annual rent of 46s. 8d. issuing out of a 4th part of the manor of Waverton, claimed by the said John Coton. (16-17 Edw. IV., m. 7, 2.) Roger Coton and Nicholas Legh, a like recognizance for the said Roger. (*Ibid.*, 3.)

1477. Lawrence Dutton, son of Roger Dutton, appointment of John Barker as receiver of the issues of the lands, etc., in the earl's hands by the minority of the said Lawrence. (16-17 Edw. IV., m. 11, 2.)

1477 (June 23). Roger Dutton, appointment of John Barker, as receiver of the rents of the lands of, during pleasure. (16-17 Edw. IV., m. 6*d*, 4.)

1477 (Sept. 3). Peter Dutton, senior, Thomas Pole, senior, William Stanley, of Hoton, Richard Clive, sir Geoffrey Massy, knt., William Venables, of Kynderton, and Thomas Bulkeley, to Richard Haute, controller of the earl's household, recognizance for 200 marks. (16-17 Edw. IV., m. 11*d*, 4.)

1477 (Dec. 16). Lawrence Dutton, esq., sir Edward Holt, knt., George Bolde, Thomas Starky and Thomas Croxton, to the earl of Chester, recognizance for £200 that the said Lawrence keep the peace towards Hugh Donne. (17-18 Edw. IV., m. 5, 2.)

1479. Lawrence Dutton, son and heir of Roger; to Richard Stangways, the custody of the inheritance of the said Lawrence during his minority.

1480. Peter de Dutton, appointment of, to hold a court of histrionics at Chester.

1480 (July 1). Peter Dutton, senior, and John Brereton, to Thomas Sutton, rector of Whitchurch, recognizance for 20 marks. (19-20 Edw. IV., m. 8*d*, 1.)

1480 (Dec. 24). Peter Dutton, senior, of Hatton, Richard, abbot of the monastery of St. Werburgh, sir John Donne, knt., Thomas Fouleshurst, esq., and Richard Clive, to the earl of Chester, recognizance for 500 marks that the said Peter keep the peace. (20-21 Edw. IV., m. 5*d*, 1.)

1481 (April 14). Richard Dutton, James Clyve, John Brueyn, of Stapleford, esq., William Dodde, of Broxton, and William Venables, of Kinderton, to Edward, earl of Chester, recognizance for £40. (20-21 Edw. IV., m. 5*d*, 2.)

1481. Lawrence de Dutton, commission to arrest outlaws in Bucklow.

1482 (July 6). Peter Dutton, esq., of Hatton, general pardon to. (21-22 Edw. IV., m. 5, 1.)

1483 (June 10). Roger Dutton, esq., grant of the custody of the lands late of, also of the custody and marriage of Lawrence, his son and heir.

1487 (Oct. 2). Lawrence Dutton, esq., Thomas Legh, Thomas Tochet, John Borowes, and Symon Weryhall, to the king, recognizance that the said Lawrence keep the peace towards Richard Cotton, esq. (3-4 Hen. VII., m. 3, 3.)

1487. Peter Dutton, of Hatton, senior, appointment of, as collector of a subsidy.

1487-8 (Jan. 15). Peter Dutton, of Hatton, senior, esq., sir William Stanley, of Hoton, knt., William Venables, of Kinderton, esq., Thomas Legh, of Adlington, esq., and John Aldersey, to the king, recognizance for 500 marks that the said Peter keep the peace towards Richard Cotton, esq. (3-4 Henry VII., m. 5*d*, 1.)

1488 (Sept. 30). Peter Dutton, of Hatton, senior, esq., sir George Holford, knt., William Venables, of Kynderton, esq., Ralph Ravenscroft, and John Aldersey, to the king, recognizance for 500 marks that the said Peter keep the peace towards Richard Cotton, esq. (4-5 Hen. VII., m. 5, 5.)

1488 (Sept. 30). Lawrence Dutton, esq., Peter Dutton, senior, of Hatton, William Venables, of Kinderton, esq., Thomas Dutton, and John Wodde, to the king, recognizance for £100 that the said Henry keep the peace towards sir William Stanley, knt., of Dutton. (4-5 Hen. VII., m. 5, 4.)

1488 (Sept. 30). Laurence Dutton, Peter Dutton, sen., of Hatton, William Venables, of Kinderton, esq., Thomas Dutton, and John Wodde, to the king, recognizance for 100 marks that the said Lawrence keep the peace towards Richard Cotton, esq. (4-5 Henry VII., m. 1*d*, 14.)

1490 (Oct. 5). Lawrence Dutton, esq., sir William Stanley, of Hoton, knt., Thomas Erne, of Troghford, John Mynshull, and William Venables, of Kinderton, to the earl of Chester, recognizance for 100 marks that the said Laurence keep the peace. (6-7 Hen. VII., m. 3, 1.)

1490 (Oct. 5). Laurence Dutton, esq., sir William Stanley, of Hoton, knt., Thomas Erne, of Troghford, John Minshull, and William Venables, of Kinderton, to the earl of Chester, recognizance for 100 marks that the said Laurence keep the peace towards Richard Cotton. (6-7 Hen. VII., m. 3, 2.)

1491 (Oct. 18). Laurence Dutton, esq., Thomas Legh, esq., Ralph Egerton, Hugh Starky, of Olton, and Humphrey Wynynton, to the earl of Chester, recognizance for 100 marks that the said Laurence keep the peace towards sir William Stanley, knt. (7-8 Henry VII., m. 3, 1.) The same, that the said Laurence keep the peace towards Richard Cotton. (*Ibid.*, 2.)

1493 (Oct. 14). Laurence Dutton, Richard Brueyn, Ralph Dod, Peter Venables, and John Notaw, to the earl of Chester, recognizance for 100 marks that the said Laurence keep the peace towards all the officers of sir William Stanley, knt., of the manor of Dutton. (9-10 Hen. VII., m. 1, 3.) The like, to keep the peace towards Richard Cotton. (*Ibid.*, 4.)

1494 (Sept. 30). Laurence Dutton, John Clayton, John Wodde, George Venables, and Thomas Starky, of Stretton, to the earl of Chester, recognizance for 100 marks that the said Laurence keep the peace towards the officers of sir William Stanley, knt., of his manor of Dutton. (10-11 Henry VII., m. 1, 1.)

1497 (April 9). Joan Dutton, late wife of Roger de Dutton, writ '*ouster le main*' on the traverse by the said Joan of an inquisition taken on Saturday next after the festival of the Epiphany, 11 Hen. VII., finding that 2 bovates, and 100 acres of land, 10 acres of meadow, and a moiety of 300 acres of waste, in Weston, were held of the king as parcel of the manor of Weston as of his manor of Halton, by knight's service; the said Joan alleging in traverse of the said finding, that one Robert Dutton was seized of the manor of Weston in his demesne, as of fee; that the said manor was taken into the king's hands in virtue of an inquisition taken on a writ '*que plura*' after the death of the said Roger; that the said Roger gave the said manor to Hugh Dutton and Joan his wife, and the heirs male of their bodies; that the said Joan survived the said Hugh; that the said manor on the death of the said Joan descended of right to Peter Dutton as kinsman and heir male of the said Hugh and Joan, viz., son of Edmund, son of Thomas, son of the same Hugh and Joan; that the said Peter entered into the said manor, and was seized of the same in his demesne, as of fee-tail, by virtue of the grants aforesaid, *absque hoc*, that Thomas Dutton was not seized of the aforesaid manor of Weston nor of the lands and tenements aforesaid. (12-13 Hen. VII. m. 6, 5.) This enrolment seems to be defective.

1498 (Dec. 13). Lawrence Dutton, son and heir of Roger Dutton, and kinsman and heir of sir Thomas Dutton, knt., viz., son and heir of the said Roger, brother of the same Thomas; also kinsman and heir of John Dutton, viz., son and heir of the said Roger, brother of the said Thomas, father of the same John, and kinsman and heir of Peter Dutton, brother of the same John, writ of special livery to. (14-15 Hen. VII., m. 1, 2.)

1503 (May 12). Peter Dutton, writ of livery setting forth the finding of an inquisition, viz., that Peter Dutton died seized in his demesne as of fee, of . . . held of the hospital of St. John of Jerusalem in England, by socage, . . . of 2 messuages . . . 20 acres of wood in Golborne-Belleau held as of the manor of Tattenhall, in socage, by the service of 5s. yearly . . . yearly value 20 marks; of 4 messuages . . . of land, and 12 acres of meadow, in Chorley, held of sir Edward Sutton, knt., in socage, yearly value 40s.; of 3 messuages, 30 acres of land, 12 acres of meadow, 10 acres of wood, and 20 acres of pasture, in Broxton, held of Sir Edward Sutton, knt., and in socage, yearly value 40s.; of 2 messuages, 20 acres of land, and 6 acres of meadow, in Mikealdersey, held of sir Edward Sutton, knt., in socage, yearly value 30s.; of 1 messuage, 20 acres of land, and 3 acres of meadow, in Crokealdersey, held of the said Edward in socage, yearly value 20s.; of 3 messuages, 40 acres of land, and 10 acres of heath, in Waverton, held of John Pigot, by the service of a sparrow hawk, or one penny, yearly, yearly value 40s.; of 1 messuage and 4 acres of land in Christleton, held of the abbot of Chester, in socage, yearly value 5s.; and of 1 messuage, 12 acres of land, 4 acres of pasture, and 2 acres of wood, in Tattenhall, held of the earl of Chester, as of the manor of Tattenhall, in socage, by the service of one penny yearly, yearly value 20s.; that Elizabeth, one of the daughters of Robert Grosvenor, esq., was seized in her demesne, as of fee, of 80 acres of land in Claverton and Pulford, held of the earl of Chester by the thirtieth part of a knight's fee, yearly value £8; of a 3rd part of the manor of Waverton, held of the abbot of Chester, in socage, yearly value 78s. 9d.; of a 4th part of the manor of Cholley, held of sir Edward Sutton, knt., in socage, yearly value 40s.; of an 8th part of the manor of Broxton, held of the said Edward, in socage, yearly value 20s.; of 2 messuages and 10 acres of land in Aldersey, held of the said Edward, in socage, yearly value 14s. 7d.; of 1 messuage and 16 acres of land in Allostoke, held of the abbot of Vale Royal, in socage, yearly value 16s.; and of a plot of land in Kentilshulme, held of the earl of Chester, as of the manor and forest of Macclesfield, yearly value 8s.; that the said Elizabeth married one Peter Dutton, and had issue one Peter; that the said Elizabeth, long before the taking the inquisition, died; that the said Peter, her husband, died seized of the inheritance of the said Elizabeth by the law of England, and that the reversion of the same pertained to Peter Dutton, kinsman and heir of the said Elizabeth; that the said Peter died on the 8th April, 18 Hen. VII., and that Peter Dutton was his kinsman and heir, viz., son of Peter, son of the said Peter. (18-19 Hen. VII., m. 2*d*, 1.)

1503 (Nov. 13). Laurence Dutton, writ of livery, setting forth the finding of an inquisition, viz., that Anna, who was the wife of sir Thomas Dutton, knt., died seized in her demesne, as of freehold, for life of 18 messuages, 100 acres of land, 50 acres of pasture, 20 acres of turf, 10 acres of wood, and 10 acres of heath, in Legh, near Barterton, held of Thomas, earl of Derby, as of his manor of Hawarden, in socage, at 26s. 8d. yearly, yearly value £24; of 5 wiches in Northwich, held of sir George Stanley, knt., lord le Strange, in socage, as of his borough of Northwich, yearly value 10 marks; of 4 messuages, 40 acres of land, 10 acres of pasture, and 8 acres of wood, in Preston, held of the earl of Chester, in socage, as of his manor of Frodsham, yearly value 100s.; and of 4 messuages, 40 acres of land, and 1 water-mill, in Onston, held of the said earl in capite, by the 16th part of a knight's fee, yearly value £4; that the said Anna died on Monday next after the festival of the nativity of the virgin Mary last past; that the reversion of all the said premises pertained to Laurence Dutton, kinsman and heir of the said sir Thomas Dutton, knt., viz., son of Roger, brother and heir of the said sir Thomas, knt., and that he was of the age of 27 and more. (19-20 Hen. VII., m. 1, 6.)

1504. Laurence Dutton of Dutton, appointment of, as collector of a subsidy in Bucklow hundred.

1505 (Nov. 16). Laurence Dutton, esq., Roger Mainwaring, escheator of the county of Chester, Thomas Thornton, mayor of the city of Chester, and Thomas Smyth, of Chester, merchant, to sir Randal Brereton, knt., chamberlain of Chester, recognizance for £200 as surety for the said Laurence. (21-22 Hen. VII., m. 2, 3.)

1510 (Oct. 11). Peter Dutton, of Hatton, esq., exemplification of a memorandum of the escape of the said Peter Dutton from the castle of Chester, to which he was committed at the instance of John, abbot of St. Werburgh. (2-3 Hen. VIII., m. 6*d*, 1.)

1522-3 (Jan. 16). Laurence Dutton, of Mershe, writ of exemption from serving on juries, etc. (14-15 Hen. VIII., m. 1, 5.)

1542. Sir Piers Dutton, knt., appointment of, during pleasure, as sheriff of the county of Chester (34-35 Hen. VIII., m. 1*d*, 3, 4; m. 2, 1, 2, 3.)

1544 (May 19). Fulk Dutton, charter of John Cokkes, enrolled at the instance of Edward Dutton, granting to the said Fulk the house and site of the late Friars Carmelite or White Friars, Chester. (35-36 Eliz., m.) Inspeximus and exemplification, 10 Oct., 1592, of the above, at the instance of Thomas Egerton. (*Ibid.*, m. 1d.)

1565 (April 27). John Dutton, *v.* Ralph Dutton, inspeximus and exemplification at the instance of John Dutton, of the record of a plea, 13 Dec., 6 Eliz., of the manors of Waverton, near Hatton, Chorley and Broxton, and of messuages and lands in Claverton, Pulford, Golborne Belleau, Rushall, Tattenhall, Hargrave, Stubbs, Newton near Tattenhall, Holsuche, Kettleshulme, Marbury, Norbury, Barrow-Magna, Barrow-Parva, Littleton, Christleton, Wordehull, Milton, Allostock, and Netherpeover, which Peter Dutton, sir Ralph Egerton, knt., sir

William Stanley, of Hooton, knt., Robert Tatton, clerk, and Robert Mascy, of Golborne, gave to sir Peter Dutton, knt., for life, with remainder to Hugh Dutton and his heirs male of the body of Joan, daughter of sir William Bothe, knt., and which after the death of the said Peter and Hugh ought to remain to the said John, the plaintiff, as son and heir of the said Hugh. (6-7 Eliz., m. 2*d*, 3.)

1567 (Aug. 2). Richard Dutton, son and heir of Fulk, writ of livery. (8-9 Eliz., m. 9.)

1572 (April 5). John Dutton *v.* Ralph Dutton, inspeximus and exemplification at the instance of John Dutton, of the tenor of proceedings on a plea, 19 July, 5 Eliz., of the manor of Hatton, and of 100 messuages, 2 mills, 1,000 acres of land, 300 acres of meadow, 500 acres of pasture, 200 acres of wood, 300 acres of moor, 100 acres of heath, 100 acres of turf, and 40s. rent in Broxton, Chorley, Great Aldersey, Middle Aldersey, Croke Aldersey, and Bolesworth, which Ralph de Vernon gave to Peter, son of Matilda de Hatton, and the heirs of his body, and which after the death of the said Peter and Parnella, daughter and heir of the said Peter, and of John, son and heir of the said Parnella, and of Peter, son and heir of the said John, and of Peter, son and heir of the said Peter, son of John, and of Peter, his son, ought to descend to the said John Dutton, as son of Hugh, son of the said Peter, son of Peter, son of John; also of the enrolment of a deed of sir Ralph de Vernon, knt., 1 Edw. II., granting all the before-mentioned lands, etc., in fee-tail to Peter, son of Matilda de Hatton, with successive remainders to Robert and William, his brothers, and their heirs, and them failing with reversion to the said Ralph and his right heirs. (13-14 Eliz., m. 1*d*.)

1584. Ralph Dutton *v.* George Holford, inspeximus and exemplification of depositions, 25 Sept., 1582, on behalf of the said Ralph, touching messuages and land in Newborough and Dutton. (25-26 Eliz., m. 11.)

1585 (April 25). John Dutton, of Dutton, deed of conveying in fee-simple lands in Leigh, near Dutton, Barterton, Preston-upon-the-Hill, and Picton, to Richard Eaton, John Burton, and John Hughson. (26-27 Eliz., m. 2.)

1590 or 1591. John Dutton, of Dutton, inspeximus and exemplification at the instance of, of an inquisition, 1409-10, taken upon a writ '*ad quod damnum*,' finding that it was not to the damage of the earl of Chester to grant to Peter de Dutton to impark his wood called Dutton Park, and 40 acres of adjacent land called Polsay and Pulsay eghes within his manor of Dutton, outside the bounds of the earl's forest, and held of the abbot of Vale Royal, as of his manor of Weaverham, in socage, and by the yearly rent of one sparrow hawk, yearly value £20; and 200 acres of meadow land and wood in Acton within the bounds of the earl's forest, held of the said abbot as of the said manor in socage, and the yearly rent of 2s., yearly value 100s. (32-33 Eliz., m. 2.)

1619 (Aug. 18). Edward Dutton, of Hatton, and Peter, his son and heir, to sir Richard Younge, of the city of London, Peter Minshull, of Erswicke, Henry Lea, of Dornhall, and George Bostocke, of Holt, Denbigh. Deed of covenant on the marriage of the said Peter Dutton and Margaret, daughter of sir Thomas

Hayes, knt., alderman of the city of London, touching lands, etc., in Hatton, Waverton, Broxton, Burwardesley, Chorley, Aldersey, Croke - Aldersey, Golborne-Belleau, Newton, Hargrave, Barrow, Alvandley, Elton, Pulford, Peover, Lostocke, Norbury, Tattenhall, Hargrave, Stubbs, and Fulk Stapleford. (17 Chas. II., m. 1.)

1629 (undated). Peter Dutton, appointment of, as sheriff of the county of Chester during pleasure. (5-6 Chas I., m. 1.)

Extract from Froissart's description of the battle of Poictiers, relating to the incident of lord Audley and the four esquires.

(Froissart's Chronicles, translated by lord Berners. Edits. 1801-1812.)

Battle of Poictiers, September 19, 1356.

'The Lord James Audley, attended by his four squires,* had placed himself sword in hand in front of the Prince's battalion, much before the rest. . . . Assone as therle of Warwyke and the lorde Cobham were departed fro' the prince . . . he demaunded of the knyghtes that were aboute him for the lorde Audeley, yf they knew anything of hym ; some knights that were ther answere (and sayd), sir, he is sore hurt, and lyeth in a lytter her besyde ; by my faith, sayde the prince, of his hurt I am right sorie ; go and knowe yf he may be brought hyder, or els I woll go and se hym where he is. Thane two knyghtes came to the lorde Awdeley, (and sayde) sir, the prince desireth greatly to see you, wether ye must go to hym, or els he woll come to you ; a sir, sayde the knight I thanke the prince, whan he thinketh upon so poore a knyght as I am ; than he called eyght of his seruantes and caused theym to bere him in hys lytter to the place where the prince was ; than the prince tooke him in his armes, and kyst him, and made hym great chere (and sayd) sir James I ought greatly to honour you, for by your valyaunce, ye have this day achyued ye grace and renome of vs all, and ye ar reputed for the moost valyant of all other ; a sir, sayde the knight ye say as it pleases you ; I wolde it were so, and if I haue this day any thynge anounced myself to serue you, and to accomplyshe the vowe that I made, it ought not to be reputed to me any prowes ; sir James, said the prince, I and ours take you in this iourney to be for the best doar in armes ; and to thyntent to furnysshe you the better to pursue ye warres, I retayn you for ever to be my knyght, with fyue hundred markes of yerely reuenewes, the which I shall assigne you on myne herytage in Englande ; sir sayde the knyght, god graunt me to deserue the great goodnesse that ye shewe me ; and so he toke his leaue of the prince. . . . Whan sir James Awdeley was brought to his lodgynge, than he send for sir Peter Awdeley, his brother, and for the lorde Bartylmewe of bennes, the lorde Stephane of Gousenton, the lorde of Willy, and the lord Raffe Ferres : all these were of his lynage : and than he called before him his foure squiers, that had serued hym that day well and

* Their names were : Dutton of Dutton, Delves of Doddington, Fowlehurst of Crewe, and Hawkestone of Wainehill.—Ashmole's Garter.

trewly; than he sayd to the sayd lordes, sirs, it hath pleased my lorde the prince to gyue me fyue hundred marks of reuenewes by yere in herytage, for the whiche gyft I haue done him but small seruyce with my body; sirs, beholde here these foure squyers who hath alwayes serued me truely (and specially this day) that honour that I have, is by their valyantnesse: wherfore I woll rewarde them: I gyve and resigne into their hands the gyft that my lorde the prince hath giuen me, of fyue hundred markes of reuenewes to them and to their heyres for ever, in lyke maner as it was gyuen me: I clerely disheryte me therof, and inheryte them without any rebell or condycion. The lordes and others who wer ther, every man beheld other, and sayde amonge themselfe it cometh of a great noblenes to gyue this gyft; and they answered hym with one voyce, sir, be it as godde wyll, we shall bere wytnesse in this behalfe, whersoever we be come: than they departed from hym, and some of them went to the prince. . . . As the prince rode, it was shewed hym howe the lorde Awdely had gyuen to his four squyers the gyft of fyue hundred markes that he had gyuen hym; than the prince sende for hym, and he was brought in his lytter to the prince, who receyued him curtesly (and sayde), sir James we haue knowledge, that the reuenewes that we gaue you assone as ye came to your lodging, you gaue the same to four squyers: we wolde knowe why ye dyd so, and whyder ye gyft was agreable to you or not: sir, sayd the knyght, it is of trouth I haue gyuen it to them and I shall shewe you why I dyde so; these foure squyers that be here present haue a long season serued me well and truely in many great busynesses; and sir in this last batayle they serued me in suche wyse, that and they had neuer done nothynge els, I was bounde to rewarde theym, and before the same day they had neuer nothing of me in rewarde, sir, I am but a man alone: but by ayde and comfort of theym I took on me to accomplysshe my vowe long before made I had been deed in the batayle, and they had not ben, wherfore sir, when I consydered the loue that they bare vnto me, I had not ben curtesse, if I wolde not rewarde them: I thanke god I haue had, and shall haue ynough as long as I lyue, I wyll neuer be abasshed for lacke of good: sir if I haue done this without your pleasure, I requyre you to pardon me for sir, both I and my squyers shall serue you as well as euer we dyd. Than the prince said, sir James, for anything you haue done, I can not blame you, but can you gode thankes therefore, and for the valyantnes of these squyers whom ye preyse so moche, I accorde to them your gyft, and I woll render againe to you 600 markes in like maner as ye had the other.'

The will of sir Richard Dutton, knt., governor of Barbados* 1681-1685.

Dated Jan. 25, 1702-3. Proved Jan. 20, 1703-4.

This is the last will of me sir Richard Dutton, knight, being of great age but of disposing mind and memory. I devise to my dear wife and two daughters all my leases and personal estate of what kind and nature soever and make and appoint my said

* The papers relating to sir Richard Dutton's governorship of Barbados will be found in the calendars of state papers for America and the West Indies, 1681-1685.

wife and two daughters my executors, declaring it my desire to be buried with all privacy and without any the least unnecessary charge. In witness whereof I have hereunto set my hand this five and twentieth day of January in the year of our Lord 1702.

Ri. Dutton.

Signed sealed and published by the testator in the presence of Ri. Dutton.

C. Hatton.
Jno. Malins.
Sarah Ely.

This will was proved at London before the venerable man George Bramston, doctor of laws, surrogate of the venerable and illustrious man sir Richard Raines, also doctor of laws of the prerogative court of Canterbury, master, keeper or commissary lawfully appointed the 20th day of the month of January (in the English style) 1703. By the oaths of dame Philadelphia Dutton relict and Philadelphia and Jane daughters of the said deceased and executors in the said testament named. To whom was committed administration of all and singular the goods rights and credits of the said deceased and to well and faithfully administer the same on the holy gospels of God sworn. (Ash, 9.)

References to the Dutton family in the Bodleian library.

(Exclusive of such documents as are printed in Lord Sherborne's or these Memorials of the Duttons.)

Collections relating to Barbados out of the papers of sir Richard Dutton, formerly governor 1680-1700. (Smith MS. 103.)

Epitaph upon Eliza Dutton, in the churchyard of Carshalton in Surrey, who was killed by a neighbour while endeavouring to make peace between him and his wife, July 13, 1687. Followed by eight lines of verse, *e.g.*:

'To save her neighbour she has spilt her blood,
And like her Saviour, died for doing good.'

Also in memory of her son, Delaval Dutton, who died May 22, 1689. (MS. Hearne's Diaries, 80.)

Copies of three summonses to capitulate addressed to George Ogilvie, governor of Dunnottar castle, by R. Overton (Nov. 8, 1651), Thomas Dutton (Nov. 22), and J. Lambert (Jan. 3, 1652), and of Ogilvie's replies. (Printed in Nisbet's 'Heraldry,' Edin., 1742, fol. 235-236.)

'An Elegie on the Honorable Thomas Coventry, Lord Keeper of the greate Seale of England,' signed by William Dutton. Thirty-seven lines of verse, *e.g.*:

'At such a public loss, the common eye
Must weep an universal elegy.'

. . . . .

'That knew the golden mean and understood
The happy way how to be great and good.'

(Ashmole MS. 38.)

Autograph of rev. James Dutton, vicar of East Haddon. (Tanner MS. 46, xii.)

Copy of a warrant for the release of Dutton from the Tower Dec. 1, 1654. (Rawlinson MS. A. 328, fol. 155.) No Christian name given, but he was probably the Richard Dutton who was afterwards knighted and became governor of Barbados.

Petition of Elizabeth Dutton, widow, to the lord justice of Ireland, 1636. Respecting debts owing to her, 'left a poor widow with a great charge of housekeeping and five young Orphantes,' who are 'not able any ways to maintain themselves,' as usual. With order dated at Dublin July 21, 1636, that the debts are to be paid forthwith. (Rawlinson MS. C. 439.)

Notes of charters in the possession of Rowland Dutton, of Hatton, esq., in 1590. (Rawlinson MS. B. 146, fol. 136.)

Copy of William Dutton's passport for France, May 3, 1654. (Rawlinson MS. A. 328, fol. 35.)

Draft of sir Richard Dutton's commission as governor of Barbados in 1685, with draft order upon his return from the governorship.

Letter from William Howe to Samuel Pepys, dated at Barbados July 10, 1685. 'I could not omit this opportunity by sir Richard Dutton, from whom I have received many favours, to present my humble service to you. I hope sir Richard's coming home for England will be for his honour and advantage what endeavours soever have been made to lessen him there. Sir Richard has been known to be more a soldier than a lawyer, which I presume was the reason that he committed the jurisdiction of the court of grand sessions to those that were better skilled in the laws than himself.' (Rawlinson MS. A. 189.)

Heraldic and genealogical collections by William Wyrley, rouge-croix, pursuivant. Pedigree of Dutton from Henry de Minshull to John de Dutton, 13 Edw. IV., also from 'Ivo, a Norman,' to Rowland Dutton, of Hatton, 1593, and various abstracts from Starkey Cheshire charters. (Rawlinson MS. B. 88.)

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